

*Town of Inglis*  
Land Development Regulations



Municode as of August 11, 2016

INGLIS LAND DEVELOPMENT REGULATIONS

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# ENGLIS LAND DEVELOPMENT REGULATIONS

## ARTICLE I. - IN GENERAL

### Sec. 34-1. - General usage.

As used in these regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes a structure and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, drain, canal, dry run, spring and stream. The word "may" is permissive; the words "shall" and "will" are mandatory.

(Ord. No. 5-92, § 12.2, 8-25-92)

### Sec. 34-2. - Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

Abut means to physically touch or border upon, or to share a common property line.

Accessory apartment means a second dwelling unit, either in or added to, an existing single-family detached dwelling, or in a separate accessory building on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adjacent to a protected environmentally sensitive zone means any location within 200 feet of the boundary of any protected environmentally sensitive zone, whether the location is on or off the development site.

Adverse effects means 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 which 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, cumulative and direct impacts.

Adversely affected person means any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Advertising means a sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.



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Aesthetic fill means fill which is uncompacted, which does not increase the ground surface elevation for construction, and which is designed to shift freely under the impact of floodwaters; strictly cosmetic in use.

Aggregate sign area means the sum of all the square foot area of all sign faces of all signs on a parcel.

Alley means the right-of-way providing a secondary means of access and service to abutting property.

Alteration of building means any change in the supporting members of a building (such as bearing walls, columns, girders); any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.

Appeal means a request for a review of the planning commission's interpretation of any provision of this article or a request for a variance.

Aquifer means a groundwater bearing geologic formation, or formations, that contains sufficient saturated permeable material to yield significant quantities of groundwater.

Area of shallow flooding means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent chance of flooding in any given year. Also called the "100-year floodplain."

Arterial highways means signalized streets that serve primarily through traffic and provide access to abutting properties as a secondary function, having signal spacings of two miles or less and turning movements at intersections that usually do not exceed 20 percent of total traffic. Typical free flow speed for the arterial roadways in the town (Class I) is at least 35 miles per hour.

Associated wetland means any wetland that is adjacent or contiguous to waters, or which has a direct hydrologic connection to waters.

Banner sign means any characters, letters, illustrations or ornamentations applied to cloth, paper, plastic, vinyl or fabric of any kind.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also called the "100-year flood."

Base flood elevation means the highest elevation of the level of floodwaters occurring in the base flood.

Basement means that portion of a building between floor and ceiling, which may be partly below and partly above grade.

Beneficial functions of a protected environmentally sensitive area means those functions, described in the conservation element of the comprehensive plan, that justify designating an area as environmentally sensitive.

Billboard means a outdoor advertising sign.

Block means a group or tier of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

Boardinghouse or roominghouse means any dwelling in which more than one persons either individually or as families are housed or lodged for hire with or without meals.

Boathouse means a dock structure with a roof covering the storage slip for a watercraft.

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Buffer area means a specially designed protective area between a land use, development or activity and another land use, development or activity. The buffer area must provide the stated level of protection to the land use, development or activity through the installation or planting of an adequate composition of building materials or foliage.

Building means any structure built for shelter or enclosure for any occupancy or storage.

Building inspector means the building official that inspects construction underway for compliance with the building, electrical, plumbing and mechanical codes of the town.

Building official means the person authorized by the town commission to issue development permits.

Building permit means a permit issued by the building official only as authorized in the final development order that allows the commencement of construction of the structural aspects of a building or structure.

Building, principal. See Principal building.

Building setback line means a line across a lot, generally parallel to the street right-of-way line, or the side lot line, or the rear lot line, indicating the limit beyond which buildings may not be erected.

Building sign means an on-site exterior sign which is attached or affixed to the building to which the sign relates to; identifies occupant and/or service. See Figure 1 in article IX of this chapter.

Building wall frontage means the square area of the front facade of a building that faces a street, parking area or private drive.

Canopy sign means a sign which is suspended from, attached to, supported from or forms a part of a canopy.

Capture zone. See Zone of contribution.

Catwalk means a narrow walkway.

Centerline of street means that line surveyed and monumented by the governing body, or if such centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

Certificate of occupancy means a document issued by the zoning official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable town codes and ordinances.

Certificate of use. See Certificate of occupancy.

Changeable copy sign means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Clearing or land clearing means the removal of trees and brush from the land, not including the ordinary mowing of grass.

Climax successional state of natural vegetation means that stage in the ecological succession or evolution of a plant community which is stable and self-perpetuating. Types of forested climax vegetative communities in north-central Florida and which may be used to meet buffering requirements of this article include: sandhill (fire), xeric hammock, maritime hammock, slope forest, upland hardwood forest, upland mixed forest, upland pine forest (fire), prairie hammock, mesic flatwoods, scrubby flatwoods, hydric hammock, wet flatwoods, baygall, bottomland forest, floodplain forest, floodplain swamp, strand swamp, basin swamp, and dome swamp. These communities are as defined in Guide to the Natural Communities of Florida, Florida Natural Areas Inventory and Florida Department of Natural Resources, February 1990.

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Closure permit means that permit required by activities which must cease operation pursuant to section 34-396, conditions of permitting and section 34-397, permit conditions.

Cluster buildings means the placement of buildings in a manner which concentrates buildings in a specific area on the site by allowing individual yard setback requirements to be waived so long as there exists a common open space which is equivalent to the sum of the normally required individual yard setbacks.

Code enforcement board means a board designated to enforce the provisions of this chapter that consists of members appointed by the town commission.

Code enforcement officer means a person designated by the town commission to enforce all provisions of this chapter and who reports solely to the code enforcement board. A code enforcement officer shall never be a member of the code enforcement board.

Collector street I and II (See Street or road) means a street with a right-of-way of at least 60 feet which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street or streets of a residential development and streets for circulation within a development.

Commercial center means and is commonly known as a shopping center, or any group of commercial uses in building or units attached to one another with owners or tenants who operate separate commercial uses.

Commission means the town commission.

Completed application means an application which is part of a development permit application, which includes all materials and documents which are necessary to support the application and which has been accepted as complete by the town building official.

Concurrency means a condition where the facilities necessary to support development are in place and operational at the same time that development will use those facilities.

Cone of depression. See Zone of influence.

Conservation means the prudent use and protection or restoration of natural resources consistent with the continued functioning of the natural resources.

Convenience store means any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Copy means the wording on a sign surface in either permanent or removable letter form.

Corner lot. See Lot.

Covenant means a written promise or pledge.

Crown means the main mass of branching of a plant above the ground.

Cul-de-sac means a street terminated at the end by a vehicular turnaround.

Culvert means a transverse drain that channels water under a bridge, street or driveway.

Density, gross means the number of residential dwelling units divided by the land area less public and private roadways and rights-of-way, in acres, on which the residential units are constructed.

Density, net means the number of residential dwelling units divided by net acreage.

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Designated public utility means that public utility which has been designated by federal, state, regional or local law, regulation, resolution, rule, ordinance or requirement as having jurisdiction to provide potable water or domestic wastewater service to the property on which the nonresidential activity is located.

Developer means any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or development activity mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The following activities or uses shall be taken for the purposes of this chapter to involve development, as defined in this section:

- (1) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- (2) 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.
- (3) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in F.S. § 161.021.
- (4) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- (5) Demolition of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or use shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- (5) 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 as long as the activity does not include erection of a structure.
- (6) A change in use of land or structure from a use with a class specified in an ordinance or rule to another use in the same class.
- (7) A change in the ownership or form of ownership of any parcel or structure.
- (8) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land or other rights in land.



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Development, as designated in this chapter or a rule or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of the first paragraph of this definition.

Development order means an order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order and development permit. See subparagraphs below.

Development permit means, for purposes of this chapter, that official town document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include all types of construction permits (plumbing, electrical, foundation, mechanical in addition to the building permit itself), grading and clearing permits, septic tank system permits, tree removal permits, sign permits, etc.

Final development order means the final authorization of a development project, the authorization which must be granted prior to issuance of a development permit as defined for purposes of this chapter. The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, demolition, tree removal, plumbing, electrification, grading, etc. For purposes of this chapter the final development plan approval is the final development order.

Preliminary development order means any preliminary approval which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this chapter preliminary development orders include transmitted future land use map amendments, transmitted comprehensive plan amendments which affect land use or development standards, preliminary development plan approval, master plan approval (of planned unit development), rezonings, preliminary plat approvals and preliminary approval of individual development plans of planned unit developments.

Development plan, final means a set of documents, scale drawings, tables, and other information as required by section 34-40, submittal requirements of a development review application, and as stipulated in the preliminary development order. The final development plan is submitted after the preliminary development order and becomes the set of documents with stipulations that are referenced in the final development order.

Development plan, mixed use, or MXD plan means the document approving designation of MXD zoning and approving specific development of said mixed use development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of building, density of development, common open space, and public facilities.

Development plan, preliminary means a set of documents, scale drawings, tables, and other information as required by section 34-40, submittal requirements of a development review application, submitted for development review after a concept plan and prior to a final development plan.

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Development review committee consists of the land use officer, the chair of the planning commission, the director of public works, and (when appropriate) the Inglis Police Chief, the town planning consultant and the town engineer. (Planning consultant and town engineer are staff to the development review committee not members.) The development review committee is an informal body facilitated by the land use officer to make staff recommendations to the planning commission regarding proposed development plans.

Diameter at breast height (DBH) means the diameter, in inches, at a height of 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Direct hydrological connection means a surface water connection which, under normal hydrological conditions, occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Directional sign means:

- (1) A sign, permanently erected or permitted in the public right-of-way by the town, county, the state or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital, to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public;
- (2) A sign, notice or symbol for the information of the Federal Aviation Agency as to locations, directions, landings and conditions, affecting safety in aviation.

Directory sign means a sign which displays the name and/or addresses of the establishments or uses of a building or group of buildings.

Discharge to groundwater means treated or untreated wastewater, stormwater leachate, leachate from a solid waste facility, or leaked product generated by the construction or operation of an installation, discharging directly or indirectly to groundwater.

Dock means a structure extending from the landward side of a shoreline toward and into the water whose purpose is to allow the mooring of watercraft and the embarkment and disembarkment of persons and goods from watercraft.

Double-faced sign means a sign with two faces which are usually but not necessarily parallel.

Dredge means excavation by any means in waters. It also means the excavation or creation of a waterbody which is, or is to be, connected with waters, directly or via an excavated water body or series of excavated water bodies.

Dripline means the outermost perimeter of the crown of a plant as projected vertically to the ground. See Figure 1 in article XI of this chapter.

Dwelling unit means a single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement means a strip of land intended for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Emergency hazardous situation means whenever there is an immediate and substantial danger to human health, safety, or welfare or to the environment.



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Engineer means an engineer licensed by the state under F.S. ch. 471 and in good standing with the state board of professional engineers, and qualified to perform duties for a developer under the terms of this article. Where the term town engineer is used, this shall mean a qualified professional engineer licensed by the state and hired by the town.

Environmentally sensitive means environmental features prone to damage due to development and necessary for:

- (1) The protection of public health, safety, and welfare; and
- (2) The conservation of the natural environment.

EPA means the United States Environmental Protection Agency.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into existence or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of an advertising message or customary maintenance.

Excavation means a cavity formed by cutting, digging or scooping.

Existing activities means activities present in the zone of protection before the adoption of the ordinance from which this chapter derived, which upon adoption of the provisions of this chapter shall either cease, or be permitted with an operating permit and a general exemption or a special exemption.

Facade area means the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than 45 degrees that form a side of a building or unit. See Figure 2 in article IX of this chapter.

Facility means the main structures, accessory structures and activities which store, handle, use or produce regulated substances; or, where contiguous facilities exist and such facilities are separate under this article.

Family means one or more persons occupying a dwelling and living as a single housekeeping unit.

FDEP means the Florida Department of Environmental Protection.

Fill means the placing, storing or dumping of any material such as earth, clay, sand, concrete, rubble or waste of any kind upon the surface of the ground. (See article VII of this chapter for special definition applying only to that article.)

Final development order. See Development order.

Final development plan. See Development plan.

Flag lot. See Lot.

Flat signs means a building sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade of the building.

Flood or flooding mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

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Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain, flood area or flood prone area mean and shall include any areas subject to inundation during the base flood as indicated on the town's flood hazard boundary map or flood insurance rate map as published by the Federal Emergency Management Agency.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area ratio (FAR) means the gross floor area of a building or buildings on any lot divided by the lot area.

FLUM means the Future Land Use Map 1990-2000 of the adopted comprehensive plan of the town.

Front lot line. See Lot line.

Front yard. See Yard.

Frontage, building. See Building frontage.

Frontage, lot. See Lot.

General exemption means an exemption to obtaining an operating permit for certain uses and meeting a specific set of conditions specified in article VI of this chapter.

Generic substance list means those general categories of substances set forth in appendix A of article VI of this chapter. This list is a subset and part of the regulated substances.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Ground cover means low growing plants planted in such a manner as to form a continuous cover over the ground, such as lirioppe, low growing varieties of honeysuckle, Confederate jasmine, English ivy, or like materials.

Ground signs means a sign which is supported by structures or supports in or upon the ground and independent of support from any building. See Figure 3 in article IX of this chapter.

Groundwater means water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Group home means a group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit.

Hardship means limitations on a property created solely due the this chapter's application of nonuse regulations, in which the property owner can seek a variance if the property owner can establish that the chapter gives rise to a detriment amounting to virtual confiscation.

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Hedge means a dense row of shrubs or low trees planted in such a manner as to offer a visual barrier.

Heavy equipment storage area means a vehicle storage area for mechanized equipment used by contractors (or lessors of vehicles or equipment) that are used in construction processes.

Height of sign means the vertical distance measured from the adjacent average crown of the road to the top of the sign face or sign structure, whichever is greater. See Figure 4 in article IX of this chapter.

Historic tree means a tree that has been designated by the town as one of notable historical interest and value to the town because of its location or historical association with the community.

Home occupation means an accessory use of a dwelling unit for gainful employment conducted only by members of a family residing on the premises, which is clearly incidental and subordinate to the use of the dwelling unit as a residence, and conducted entirely within the dwelling, and does not change or alter the exterior character or appearance of the dwelling, and is created and operated as a sole proprietorship.

Horizontal projecting signs means a building sign at any angle from the outside wall or walls of any building and which has its greatest dimension in a horizontal plane.

Illegal sign means a sign that was constructed in violation of regulations that existed at the time it was built.

Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper, or as may be remotely controlled.

Impervious means incapable of being penetrated, as by moisture.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted limestone or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Impoundment, auto and personal property means a place where autos and other personal property is held intact (i.e., as recovered) as evidence for law enforcement, judicial or insurance investigation proceedings or due to abandonment. The recovery or sale of parts or items, or retention of items held in an impoundment area for longer than one year, shall constitute prima facie use as a junkyard.

Improvement means any manmade, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Industrial (park) center means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

Interior lot. See Lot.

Junkyard means a parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, crushed or compressed, salvaged and sold. The presence on any lot or parcel of land of two motor vehicles or inoperative pieces of equipment, which, for a period exceeding 30 days, have not been capable of operating under their own power or capable of being used in their normal capacity, and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of a junkyard.

Laboratory means a designated area or areas used for testing, research, experimentation, quality control or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale or pilot plant testing.

Land surveyor means a land surveyor registered under F.S. ch. 472 who is in good standing with the state board of professional engineers and land surveyors.

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Level of service means, according to the Florida Administrative Code, "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." (F.A.C. 90-5.003(41)).

The 1985 Highway Capacity Manual (National Research Council, 1985:11-4) defines level of service standard C for the arterial class of roadways as follows:

Level of Service C represents stable operations. However, ability to maneuver and change lanes in midblock locations may be more restricted than in level of service B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds of about 50 percent of the average free flow speed for the arterial class. Motorists will experience an appreciable tension while driving.

Lineal descendant means a person in the direct line of descent such as a child or grandchild as contrasted with a collateral descendant such as a niece.

Lineal descendant subdivision. See Subdivision.

Local I street. See Street or road.

Local II street. See Street or road.

Lot means a parcel, piece, tract, or plot of land occupied, or capable of being occupied, or designed to be occupied by one building or use and the accessory buildings or uses customarily incident to it including such open spaces as required by this chapter. A lot shall include all lots of record included in such piece, parcel, tract or plot of land and all lots otherwise designated.

Area means the area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Corner means a lot abutting on and at the intersection of two or more streets. See Figure 1.

Coverage is determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the area of that lot.

Depth means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Flag means a lot, usually of a panhandle shape, with less frontage on a public street than is normally required. The panhandle is an access corridor to the lot, and/or similarly shaped abutting lots. See Figure 1.

Frontage means the length of that part of a zoning lot that fronts a public street.

Interior means a lot other than a corner lot. See Figure 1.

Through means a lot that has a pair of opposite lot lines along two streets, and which is not a corner lot. See Figure 1.

Width means, if the side property lines are parallel, the shortest distance between these side lines; or if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. See Figure 1.



## INGLIS LAND DEVELOPMENT REGULATIONS

Lot line means any line dividing one lot from another.

Front means, on an interior lot, the lot line abutting a street; or, on a corner lot the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. See Figure 1.

Rear means the rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. See Figure 1.

Side means any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line. See Figure 1.

### LOT BOUNDARIES AND TYPES OF LOTS

Source: A Survey of Zoning Definitions, American Planning Association, 1989.

Lot of record means, for a lot that is part of a subdivision, the plat of which subdivision has been recorded in the office of the clerk of the circuit court of the county, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the clerk, provided such lot was of a size that met the minimum dimensions of lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lowest floor means the lowest floor of the lowest enclosed areas (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a buildings's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of article VII of this chapter.

Maintain means the general servicing and upkeep in a safe and attractive condition.

Manufactured building means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures. This definition does not apply to mobile homes. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

Manufactured home. See Manufactured housing.

Manufactured home (housing) park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured housing means a factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

## INGLIS LAND DEVELOPMENT REGULATIONS

Manufactured housing park means a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes and in this article is also referred to as a mobile home park.

Marquee sign means a building sign attached to a marquee or walkway such as located in shopping centers. Signs attached to or hung from a marquee shall be completely within the borderline of the marquee outer edge.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Minor replat means the subdivision of a single lot or parcel of land into two lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no provisions in this Code requiring roadway improvements, drainage improvements or other required improvements, and where the resultant lots comply with the standards of this chapter.

Mixed use development:

- (1) Means a concept which requires land to be under unified control, planned and developed as a whole in a single development or approved, programmed series of developments for dwelling units and related commercial uses and facilities;
- (2) Means a plan which, when adopted, becomes an addendum to the land development regulations for the land to which it is applied;
- (3) Includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and
- (4) Means a concept which, when implemented, allows for development according to detailed plans which include not only streets, utilities, building sites, parking, landscaping and the like, but also site plans for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses, and improvements on the land as related to the buildings.

Mobile home means any type of trailer or vehicle body, built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, designed for use as a residence regardless of appurtenances, additional or other modification thereto, without independent motive power, manufactured upon an integral chassis or undercarriage with chassis or underlying wheels thereto. This shall include homes which are assembled from two or more units, providing that the units meet the requirements of this definition.

Mobile home park. See Manufactured housing park.

Modular home. See Manufactured building.

Monument means permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

Moving sign means any sign that flashes, moves, revolves, blows in the wind, blinks or emits sound.

Multifamily residence means a dwelling or group of dwellings on one plot containing separate living units for two or more families; but which may have joint services or facilities or both.

Municipality means any incorporated city or town.

NGVD means National Geodetic Vertical Datum.



## INGLIS LAND DEVELOPMENT REGULATIONS

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

Net acre means that upland area within a contiguous parcel(s) of ownership excluding existing or proposed public and private roadways, rights-of-way and vehicular accessways.

Net acreage means the upland area within a contiguous parcel (or parcels) of ownership excluding any existing or proposed public and private roadways, rights-of-way and vehicular accessways.

New activities means activities not in existence at the time of adoption of this chapter but which are proposing to occur in the zone of protection or are subject to development review processes of article II of this chapter.

New construction means structures for which the "start of construction" commenced on or after the effective date of the ordinance from which this chapter derived.

New discharge, for the purpose of groundwater protection and the zone of protection, means a discharge from a new installation, or a discharge from a facility for which a permit is required, but where discharge is significantly different from the permit conditions as of the effective date of the zone of protection classification for the chemical, microbiological, physical quality, quantity, or point of discharge, and is causing a negative impact on groundwater.

New installation, for the purpose of groundwater protection and the zone of protection, means facilities that are located in areas receiving groundwater protection both within and outside of the zone of protection that have neither filed a complete permit application nor have received an appropriate permit prior to the effective date of classification.

Nonconforming sign means any sign, legal at the time of its erection, which does not conform to the requirements of this chapter. An illegal sign is not a nonconforming sign.

Nonconforming structure (or building) means a structure which existed lawfully at the date of enactment of this article that could not be built under this Land Development Code by reasons of restrictions on area, lot coverage, height, yards, location on the lot or requirements other than use of the structure.

Nonconforming use means a use of land existing at the time of enactment of this article, and which does not conform to the use regulations of the district or zone in which it is situated. (For the purposes of this article, a mobile home located in a district where such is not permitted shall be considered a nonconforming use. However, a mobile home located in a conforming district that does not meet setback or density requirements for the district shall be considered a nonconforming structure.)

Nonresidential activity means any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.

Notice means legal written notification sent by certified mail or hand delivered to the property and/or the last known address of the owner/agent of subject property.

Nursing or convalescent home means any dwelling in which aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

Open interval of a well means the uncased or screened length of the well within the saturated zone of an aquifer.

## INGLIS LAND DEVELOPMENT REGULATIONS

Open space means an unoccupied space open to the sky and not covered by structures, or pavement, on the same lot with the building, or in the case of a planned development, or development with multiple buildings on an undivided parcel of land, the unoccupied space open to the sky and not covered by structures or pavement. In all cases open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for motorized vehicle travel.

Operating permit means the permit required for wellfield and groundwater protection for certain activities and which are set forth under article VI of this chapter.

Outdoor advertising sign means a permanent ground sign, which is not an accessory sign, that is supported either by a single metallic pole, multiple poles or structural supports of another material, attached to which is a sign face which is greater than 128 square feet in size.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Painted wall sign means a building sign painted on an outside wall of any building, including murals and drawings.

Parapet means a vertical false front or wall extension above the roof line of a building.

Parasite sign means a secondary sign hung or supported from another sign when it is not attached as an integral part thereof or directly related thereto.

Parcel means a unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this chapter or lead to absurd results, a "parcel" may be as designated for a particular site by the planning commission.

Park means a tract of land designated and used by the public for active and passive recreation activities.

Pave means to cover over the surface of a parking lot, etc., as with concrete, asphalt, brick or paving blocks.

Pendant sign means an auxiliary or supplementary sign permanently affixed to another and supplementing the main sign. Those signs are used to indicate vacancy, air conditioned, credit card accepted, open house, etc.

Permanent control point (PCP) means a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or a four-inch by four-inch concrete monument a minimum of 18 inches long with the point of reference marked thereon. Permanent control points shall bear the registration number of the surveyor filing the plat of record.

Permanent reference monument (PRM) means a metal rod a minimum of 18 inches long or a 1½-inch minimum diameter metal pipe a minimum of 18 inches long, either of which shall be encased in a solid block of concrete or set in a natural bedrock, a minimum of six inches in diameter, and extending a minimum of 18 inches below the top of the monument, or a concrete monument four-inches by four-inches, a minimum of 18 inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, shall bear the registration number of the surveyor certifying the plat of record, and the permanent reference monument shall be placed in the top of the monument.

Permanent window sign. See Window sign.



## INGLIS LAND DEVELOPMENT REGULATIONS

Person means any natural person, individual, public or private corporation, firm, association, joint venture, partnership, local government, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.

Plat means a map or delineated representation of the subdivision of lands, being a complete and exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of this chapter and of any other ordinances of the town and may include the terms "replat," "amended plat," or "revised plat."

Political sign means a temporary sign identifying and urging voter support for, or opposition to, a particular referendum, issue, political party, or candidate for public office. Political signs may not contain advertising.

Pollutant means 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 sign means any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs 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.

Potable water means water that is intended for drinking, culinary or domestic purposes, subject to compliance with county, state or federal drinking water standards.

Prefabricated home. See Manufactured building.

Preliminary development order. See Development order.

Preliminary development plan. See Development plan, preliminary.

Principal building means a building in which is conducted the main or principal use of the lot on which such building is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependant, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not in excess of six feet in width and 15 feet in length which may or may not be enclosed on one or both sides, including louvers, lattices or screening, and shall cause the entire structure to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

Principal use means the main use of land or structures, as distinguished from a secondary or accessory use.

Projecting sign means any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Protected environmentally sensitive zone means an environmentally sensitive area depicted on an environmentally sensitive areas map in either the support documentation or adopted portion of the town's comprehensive plan, so defined and designated for protection because of the presence of wetlands, sinkholes, and natural drainage features.

Protected trees means these plant species, with the following common names, of the dimension designated or greater, as measured at 54 inches above the original grade:

## INGLIS LAND DEVELOPMENT REGULATIONS

| Botanical (Genus)     | Common Name        | Diameter (Inches) |
|-----------------------|--------------------|-------------------|
| Magnolia              | Magnolia - Red Bay | 4                 |
| Cedrus or Juniperus   | Cedar              | 4                 |
| Taxodium              | Cypress            | 4                 |
| Palmae                | Palm               | 8                 |
| Carya                 | Hickory            | 4                 |
| Quercus               | Oak                | 4                 |
| Persca or Gordonia    | Bay                | 4                 |
| Pinus Species         | Pine               | 4                 |
| Acer                  | Maple              | 4                 |
| Ilex Opaca            | Holly Tree         | 4                 |
| Cornus florida        | Dogwood            | 3                 |
| Liquidambar           | Gum Tree           | 4                 |
| Platanus occidentalis | Sycamore           | 4                 |
| Ulmus alata           | Winged Elm         | 4                 |

\*In addition, all palms with at least 4½ feet of clear trunk between the ground level and the lowest branch are declared to be protected trees.

Public community drinking water supply means those community water systems as defined in F.A.C. 62-550.200(10).

Public space means all municipal, county, state, and federal street and alley right-of-way lines and property.

Public utility means any privately-owned, municipally-owned, county-owned, special district-owned, or state-owned system providing water or domestic wastewater service to the public which has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days of the year.



## INGLIS LAND DEVELOPMENT REGULATIONS

Public water system means a system that provides piped water to the public for human consumption, if it has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Such terms include: (i) any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and (ii) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is a community water system, a noncommunity water system, or a nontransient noncommunity water system.

Real estate sign means any temporary sign erected to advertise the sale, lease or rental of real estate on which the sign is located.

Rear lot line. See Lot line.

Rear yard. See Yard.

Recreational vehicle means a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This definition includes the following items as defined by F.S. § 320.01: travel trailer (includes a "fifth-wheel travel trailer"), camping trailer, truck camper, motor home, private motor coach, and van conversion.

Regulated substances means those deleterious substances, contaminants, priority pollutants (in accordance with F.A.C. 62-550), and potable water quality primary and secondary standards parameters (in accordance with F.A.C. 62-550, part III, and appendix A and E) which, because of quality, concentration, physical, chemical (including ignitability, corrosivity, reactivity, synergistic, and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface water and groundwater, plants, and animals).

Right-of-way means land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purposes by the public, certain designated individuals, or others.

Roof sign means an exterior sign that is erected, constructed or maintained on or above the roof or rooflines of any building.

Sandwich sign means a moveable sign not secured or attached to the ground or any building or structure and which is self-supporting.

Seasonal/holiday sign means a sign used for emphasizing the celebration of an historic holiday, which is erected for a limited period of time.

Service station means a full- or self-service gasoline refueling station which includes facilities to conduct lube and oil changes for automobiles.

Setback. See Building setback line or Sign setback.

Setback line means the distance from the line or the road right-of-way or easement, whichever is lesser, to the nearest point of a building, excluding uncovered porches. In the case of lots bisected by frontage roads, the setback shall be measured as extending the full width of the lot and situated between the frontage road right-of-way nearest the building and the line of the building as projected to the side lines of the lot.

Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shrub means any self-supporting woody evergreen and/or flowering species.

Side lot line. See Lot line.

## INGLIS LAND DEVELOPMENT REGULATIONS

Side yard. See Yard.

Sign means any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes the following: any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, enterprise or industry, which is located upon any land, or any building, in or upon a window in such manner as to attract attention from outside the building. A sign consists of two elements, (i) a support structure and (ii) a message surface area.

Sign area means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate sign area.

Sign area, aggregate. See Aggregate sign area.

Sign erectors means all individuals, firms or corporations engaged in the construction, reconstruction, or erection of any sign, and shall include the owner or lessee of the property upon which such sign shall be erected.

Sign face means the part of the sign that is the entire area within the parallelogram, triangle, circle or semicircle that encompasses all the elements of the sign that are or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign face area of signs painted directly on walls, signs where the sign face is bisected in the same plane (see Figure 7 in article IX of this chapter), or signs formed by letters attached directly to walls, shall be calculated by projecting a square or rectangle around the outside of all elements of the sign. The entire area of internally lighted panels is to be used in the calculation of allowable sign face area, regardless of the presence of any symbols on the lighted portion of the panel. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or are designed as part of the sign structure. See Figures 6 through 8 in article IX of this chapter.

Sign, outdoor advertising. See Outdoor advertising sign.

Sign setback means the distance between a property line or right-of-way line and the edge of a sign which is nearest to the property line or right-of-way line. See Figure 5 in article IX of this chapter.

Sign structure means the structure that supports sign or parts thereof.

Sign, window. See Window sign.

Sign writers means any individuals, firms, or corporations, engaged in the painting or application of signs on windows, doors, walls, awnings, etc. (Where no structural work is done.)

Significant adverse effect means any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces that area's beneficial functions of the following: conservation and protection of surface water and groundwater quality and quantity; preservation of protected species of flora and fauna; or prevention of flood hazards, as delineated in the conservation element of the town comprehensive plan.

Sinkhole means a hole formed in soluble rock by the action of water, serving to conduct surface water to an underground passage.

Snipe sign means a sign that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.



## INGLIS LAND DEVELOPMENT REGULATIONS

Solid waste means any garbage, refuse, sludge, and any other discarded material, solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operation, and from community activities. (42 U.S.C. 6903(14)).

Solid waste facility means a structure or system designed for the processing or disposal of solid wastes. These facilities include resource recovery, recycling plants, incinerators, and landfills.

Special exception means a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning district as a special exception if specific provision for such a special exception is made in these land development regulations. Each special exception is a unique and binding commitment between the applicant and the town that does not establish any precedent due to the specific, unique considerations within each case. (For the procedure in securing approval of special exceptions, see article XV.)

Special exemption means an exemption granted to nonresidential uses or activities located in a zone of protection at the time of adoption of this chapter, if those uses or activities comply with the conditions specified for special exemption in article VI of this chapter.

Specimen tree means a tree that has been officially designated by the town upon the advice of the county forester to be of high value because of its type, site, age or other relevant criteria.

Spill means the unpermitted release or escape of a regulated substance directly or indirectly to soils, surface waters or groundwater.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348),) means the date the first development permit is issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first development on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State plane coordinates means the system of plane coordinates as defined in F.S. § 177.031(19). State plane coordinates may be used to define or designate the position of points on the surface of the earth in accordance with F.S. § 177.151.

Stormwater means the flow of water which results from rainfall.

Street or road shall be construed to include street, road, highway, alley, parkway, viaduct, circle, court, terrace, place, or other similar designations, or cul-de-sac, or other way intended for travel by the general public whether improved or unimproved, but shall not include those accessways such as easements and rights-of-way intended for limited utility purposes such as for electric power lines, gas lines, telephone lines, water lines, sanitary sewers or other such uses, and shall not include easements for ingress and egress as provided for by article III of this chapter.

## INGLIS LAND DEVELOPMENT REGULATIONS

Collector street I and II means a street with a right-of-way which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street or streets of a residential development and streets for circulation within a development.

Local collector means surface streets providing land access and traffic circulation service within residential, commercial, and industrial areas. Local collectors may be major or minor.

Local street I means a minor street parallel to and adjacent to arterial streets or highways and which provides access to abutting property and protection from through traffic. A marginal access street may also be called a frontage road.

Local street II means a street used primarily for access to abutting properties and not for through traffic with a right-of-way of at least 60 feet.

Major arterial means a street or highway used primarily for fast and heavy traffic traveling considerable distance with a width of right-of-way of 150 feet or more.

Secondary arterial or section line road means a street or highway used primarily for through traffic with a width of right-of-way of at least 100 feet, being 50 feet either side of a section line.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. See article VII of this chapter for a special definition applying only to that article.

Subdivision means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Lineal descendant subdivision means a subdivision conveying parcels to lineal descendants solely for the purpose of providing the lineal descendants with a place to live.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Survey data means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

Surveying data means:

P.C.—Point of curvature: The point where a tangent circular curve begins.

P.C.C.—Point of compound curvature: The point where two circular curves have a common point of tangency, the curves lying on the same side of the common tangent.

## INGLIS LAND DEVELOPMENT REGULATIONS

P.R.C.—Point of reverse curvature: The point where two circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent.

P.T.—Point of tangency: The point where a circular curve ends and becomes tangent.

Swing signs means any exterior building sign projecting from an angle on the outside wall or walls of any building which sign is suspended from a projecting structure in such a manner that the sign itself or any part thereof is not attached to the building or wall directly but is allowed to swing from the structure to which it is attached.

Temporary sign means any sign, banner, or advertising display not of a permanent or stationary construction and not permanently attached to a building, the ground or other structures, not including decorative displays for holidays or other town-wide celebrations, or, which is used by the town to meet statutory requirements for notification of official public meetings.

Temporary window sign. See Window sign.

Through lot. See Lot.

Tourist home means a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Town clerk means the clerk employed by the town commission to keep the official records of the town.

Town commission means the government of the town consisting of a mayor to hold office for a term of two years, and five members to hold office for a term of two years.

Town engineer means a certified professional engineer hired to consult by the town in the town's interest.

Traditional or standard construction home means any building designed for use as a residence which meets the requirements of the Standard Building Code, and which is neither a manufactured home, mobile home, modular building nor prefabricated home.

Traffic direction/safety sign means a sign which is on premises and is designed and erected solely for the purpose of vehicular or pedestrian traffic direction or safety. The traffic direction/safety sign does not exceed three square feet in the background area and with its maximum height at four feet above the ground.

Tree means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 15 feet and having an average mature spread of crown greater than 15 feet in the north-central growing area of the state.

Tree protection zone means a circular zone around each protected tree defined as follows:

- (1) If the dripline is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree trunk.
- (2) If the dripline is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full dripline around the tree.
- (3) If the dripline is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree trunk.

Underground facilities for transportation of wastewater of industrial chemical products means underground facilities for transportation of waste effluent of industrial chemical products include piping, sewer lines, and ducts or other conveyances designed to transport industrial pollutants as defined in F.S. § 376.301(12), and contaminants as defined in F.S. § 403.031(1).



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Underground storage facility means any enclosed structure, container, tank or other enclosed stationary devices used for storage or containment of pollutants as defined in F. S. § 376.301(12), or any contaminant as defined in F.S. § 403.031(1). Nothing in this subsection is intended to include septic tanks, enclosed transformers or other similar enclosed underground facilities.

Upland means land elevated above surrounding land; the higher ground. The opposite of a wetland.

Used parts sales and storage means a place used to store used parts and to sell used parts for sale to the public. Recovery of used parts does not occur on the premises. Used parts storage is distinguished from a junkyard or salvage yard in that the used parts are stored by kind and are not stored as part of the host vehicle or equipment from which they are salvaged.

Utility means any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

Vadose means the unsaturated subsurface zones.

Variance means a waiver of the provisions of these regulations, granted by the planning commission in accordance with article XII of this chapter.

Vehicle sign means any sign affixed to a vehicle, trailer or boat that is parked on a public right-of-way, public beach, public property or private property so as to be clearly visible from a public right-of-way, whose primary purpose is to provide advertisement of products conveying messages or directing people to a business or activity located on the same or nearby property or any other premises.

Vehicle use area means an area used for circulation, parking, and/or display of motorized vehicles, except junk, automobile salvage yards or automobile impoundment areas.

Vertical projection signs means any exterior building signs other than flat signs, which project at an angle from the wall or walls of any building and which has its greatest dimension in the vertical plane.

Vista means a view as seen through a long avenue or passage, as between rows of trees, houses, or the like.

Water or waters means, 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 means any natural or artificial pond, lake, reservoir or other area with a discernible shoreline which ordinarily or intermittently contains water.

Water surface elevation means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas or of a waterbody.

Water table means the surface between the vadose zone and the groundwater, that surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

Watercourse means 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 which has a definite channel, bed, banks or other discernible boundary.

Water's edge and wetland's edge mean the water's or wetland's edge and shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

- (1) The boundary established by the average annual high water mark;
- (2) The landward boundary of hydric soils; or

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- (3) The landward boundary of wetland vegetation, based on the wetland vegetation index for submerged and transitional species found in F.A.C. 62-301.400.

Well means a pit or hole sunk into the earth to reach a resource of potable supply, such as water, to be used for domestic purposes by municipalities. Irrigation wells and privately-owned wells for domestic consumption are not included in this definition for wellfield protection.

Wellfield means an area of land which contains one or more well(s) for obtaining water.

Wetland means lands transitional between terrestrial and aquatic systems characterized by soils saturated or inundated by water, identified in the conservation element as wetlands.

Window sign, permanent means any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors; or located within 15 feet of the interior of a building glass area, including doors; or any interior illuminated signs, whose identification, message, symbol, insignia, visual representation, logotype or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

Window sign, temporary means a window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including but not limited to signs for sales, specials, going out of business and grand openings.

Yard means a space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

Front yard means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot.

Rear yard means an open space, unoccupied, except by an accessory building, on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and rear line of the building projected to side lines of the lot.

Side yard means an open, unoccupied space on the same lot with a principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zero lot line building means a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zone of contribution means the area surrounding a well which encompasses all areas or features that actually supply groundwater recharge to the well. It includes all parts of an aquifer from which groundwater will eventually reach a pumping well, from the upgradient groundwater divide or null point to the downgradient line beyond which the well cannot defeat gravity and pull the water back. Also known as the capture zone.

Zone of influence means the area encompassing that part of an aquifer where the water table (for unconfined aquifers) or potentiometric surface (for confined aquifers) is drawn down or influenced by the pumping well. Also known as a cone of depression.

Zone of protection means an area defined by a circular boundary that is 300-foot radius from the wellhead or, the total area contributing water to a well (zone of contribution) under a given set of circumstances. This total area contributing water to a well may change over time in response to changes in the water table or potentiometric surface, well pumpage and other withdrawals in the vicinity.

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Zone of protection map means the zone of protection map drawn at a scale of one inch equals 200 feet showing the location on the ground of the outer limits of the zone of protection for present and future public potable water supply wells and wellfields. This zone is described in article VI of this chapter.

Zoning lot means a lot or group of lots that meets the minimum lot dimensions for development as required by article IV of this chapter.

(Ord. No. 5-92, § 12.3, 8-25-92; Ord. No. 9-93, § 1, 5-11-93; Ord. No. 03-02, § 1, 9-9-02; Ord. No. 05-04, § 1(Att. A), 4-13-04; Ord. No. 03-05, § 1(Att. A), 6-14-05; Ord. No. 08-07, § 1(Att. A), 12-11-07; Ord. No. 05-09, § 1, 9-8-09; Ord. No. 10-11(Att. A), 1-10-12; Ord. No. 01-13, § 1(Att. A), 6-11-13; Ord. No. 02-14, Att. A, 2-10-14)

**Cross reference**— Definitions generally, § 1-2.

Secs. 34-3—34-30. - Reserved.



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**ARTICLE II. - ADMINISTRATION AND ENFORCEMENT<sup>[2]</sup>**

Sec. 34-31. - Short title.

This article shall be known as the administration and enforcement of development applications of the town land development code.

(Ord. No. 5-92, § 1.2, 8-25-92)

Sec. 34-32. - Purpose and intent.

This article defines the process for review of development applications, the required contents of development applications, and the administrative entities in the town that will review development applications and issue development orders and permits. This article also specifies the procedures for appealing decisions and seeking legislative action.

(Ord. No. 5-92, § 1.3, 8-25-92)

Sec. 34-33. - Withdrawal of applications.

An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

(Ord. No. 5-92, § 1.4, 8-25-92)

Sec. 34-34. - Authorization by development permit required prior to undertaking any development activity.

- (a) Generally. No development activity may be undertaken unless the activity is authorized by a development permit.
- (b) Prerequisites to issuance of a development permit. Except as provided in subsection 34-34(c) below, a development permit may not be issued unless the proposed development activity:
  - (1) Is authorized by a final development order issued pursuant to this chapter; and
  - (2) Conforms to the building, mechanical, electrical and design standards adopted by the town.
- (c) Exceptions to requirement of a final development order. A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this chapter. Unless otherwise specifically provided, the development activity shall conform to this chapter and the building, mechanical, electrical and design standards adopted by the town.
  - (1) The construction or alteration of a one- or two-family dwelling on a lot of record.
  - (2) The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
  - (3) The erection of a sign in the absence of any other development activity on the site.
  - (4) The resurfacing of a vehicle use area that conforms to all requirements of this chapter.

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- (d) Post-permit changes. After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for under the appropriate town and/or county process. A written record of the modification shall be entered upon the original permit and maintained in the files of the town's building official.
- (e) Exemption from subsequent amendments. Development activity implementing a valid, approved site plan/development plan is exempt from subsequent amendments to the provisions of this chapter for the period that the site plan/development order remains valid.

(Ord. No. 5-92, § 1.5, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05; Ord. No. 06-05, § 1, 10-11-05; Ord. No. 10-11(Att. A), 1-10-12)

### Sec. 34-35. - Procedure for review of development plans.

- (a) Preapplication conference. Prior to filing for development plan review, the developer shall meet with the land use officer and the planning commission chair to review zoning regulations and to obtain a development application. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the preapplication conference as a representation or implication that the proposal will ultimately be approved or rejected in any form. At this time, the developer will be notified as to whether the proposed development must proceed to subsection 34-35(b) or whether the proposed development is eligible to follow the short form application process to obtain a final development order.
  - (1) Short form application process. In order to utilize the short form application process development will be limited to a single use occupying a single building that meets the following criteria:
    - a. The proposed structure is no greater than 10,000 square feet gross floor area; and
    - b. The development plan proposes no more than 50 percent of the allowable impervious surface area; and
    - c. The development plan shows no more than two access points to a public roadway.
  - (2) General requirements. An application for development plan approval shall be filed with the land use officer and shall be accompanied by the applicable filing fee and nine copies of each of the following information. The following list of informational items shall constitute the required information for short form development review:
    - a. A legal description of the property under review.
      - 1. Name, location, owner and designer of the proposed development.
      - 2. Present zoning for subject site.
    - b. Site conditions information including:
      - 1. A topographic map of the site with a scale of not smaller than one inch equals 100 feet, showing one-foot contours.
      - 2. Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and those trees with a trunk diameter of four inches or more at a point four and one-half feet above ground level. (Aerial and on-site photographs may be used to show vegetation.)
    - c. A site conditions map showing:



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1. The relationship of the site to such external facilities as streets, residential areas, commercial facilities, utilities and recreation/open space areas.
  2. The location of all existing public streets, rights-of-way, easements and other reservations of the land in the area of the property in question, means of ingress and egress to such property, and off-street parking, loading and service areas, if any, for and on such property.
  3. The location and dimensions of all existing and proposed structures drawn to scale.
  4. The location of all water holding or carrying features, natural or manmade including creeks, ponds, sinkholes, ditches and storm sewers.
- d. Proposed improvements to include location and dimensions of structures, septic systems, stormwater/drainage (SWFWMD approval), parking area and number of spaces, width of driveways, landscaping, signs, etc.
  - e. Alternate surfaces for paving of parking lot or entry driveways will be considered depending on the existing condition of the entrance road.
  - f. Description of means and methods to ensure no disruption of normal drainage of stormwater and provide for minimization of erosion and siltation of ditches, culverts, or drainage retention areas, during the development.
  - g. The location of proposed landscaping and buffering with accompanying text on the plan to identify required vegetation types.
  - h. Elevation drawings of proposed new commercial buildings or substantial improvement of existing commercial buildings on the property demonstrating that the basic architectural design elements listed in subsections 34-287(2)a., b. and c. have been committed. If the basic architectural elements have not been committed, the applicant shall demonstrate how the design of the new or substantially improved commercial building(s) displays an overall character consistent with one of the preferred architectural styles listed in subsection 34-287(3)a. Preferred methods to communicate building design and style should be discussed with the land use officer at the pre-application conference.
- (3) Short form review process. If the developer elects to proceed, the application and appropriate fee are submitted to the land use officer. Following the application being found sufficient, a meeting of the development review committee is scheduled and the property owners within 400 feet are notified by letter of the time, date, and purpose of the meeting. The development review committee consists of the land use officer, the chair of the planning commission, the director of public works, and (when appropriate) the Inglis Police Chief, the town planning consultant and the town engineer. (Planning consultant and town engineer are staff to the development review committee not members.)

Prior to the development review committee meeting, the land use officer shall provide a brief development summary to the planning commission and development review committee for comments, questions or potential issues for discussion at the development review committee meeting. The data required by subsection 34-35(a) general requirements will be reviewed at the development review committee meeting.

- (4) After the application and general requirements are approved by the development review committee as sufficient, the planning consultant will issue a planning report to the planning commission regarding the findings of the development review committee.

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- (5) The planning commission shall schedule an administrative hearing ([section] 34-39) to consider the final development plan, final development order, and the development review committee recommendations. The hearing will be held during a scheduled meeting of the planning commission allowing for one week planning commission review of the planning report.
  - (6) At the administrative hearing the planning commission shall:
    - a. Issue a final development order complying with section 34-37 below; or
    - b. Refuse to issue a final development order based on the failure of the development to comply with the conditions imposed by provisions of this chapter; or
    - c. If additional information from the developer is needed, the planning commission may continue its review to a date to be determined. The time, date and place of the continuation shall be stated at the hearing. No further notice shall be required if said continuation is for less than six weeks.
- (b) Review of concept plans. Concept plans shall be reviewed as follows:
- (1) All developments that do not qualify for the short form application process must be submitted for concept review.
  - (2) The developer shall file a completed application and concept plan as a prerequisite to obtaining concept review.
  - (3) Within five working days of receipt of an application and concept plan, the land use officer shall:
    - a. Determine that the submittal is incomplete and inform the developer in writing as to the deficiencies, or
    - b. Determine that the submittal is complete and proceed with the following procedures.
  - (4) Upon the finding of a complete application, the land use officer will schedule a public neighborhood meeting with the developer and the planning commission to discuss the concept. The proposal shall be placed on the agenda of the next meeting of the planning commission that allows the giving of notice to nearby property owners.
  - (5) Notice of the public neighborhood meeting shall be provided to the developer and all persons who, according to the most recent tax rolls, own property within 400 feet of the property proposed for development. The notice shall be provided at least 15 days before the meeting. The expense of this notice shall be borne by the developer.
  - (6) At the public neighborhood meeting the planning commission shall include discussion of topics such as:
    - a. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.
    - b. Whether the concurrency requirements of article X of this chapter could be met if the development were built.
    - c. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

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- d. Conformity of the proposed development with the comprehensive plan, this chapter and other applicable regulations.
  - e. Applicable regulations, review procedures and submission requirements.
  - f. Concerns and desires of surrounding landowners and other affected persons.
  - g. Other applicable factors and criteria prescribed by the comprehensive plan, this chapter or other law.
- (7) The purpose of the public neighborhood meeting is informational only. The planning commission shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the public neighborhood meeting or concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.
- (c) Review of preliminary development plans. Preliminary development plans shall be reviewed as follows:
- (1) After completion of the public neighborhood meeting the developer shall submit the required number of preliminary development plans to the land use officer.
  - (2) Within five working days of receipt of a preliminary development plan, the land use officer shall:
    - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 90 days without payment of an additional fee, but, if more than 90 days have elapsed, must thereafter initiate a new application and pay a new fee unless an optional 30-day extension has been provided by the land use officer; or
    - b. Determine that the plan is complete and proceed with the following procedures.
  - (3) The land use officer shall send a copy of the preliminary development plan to the town engineer, and a copy shall be on file in the office of the land use officer. The planning commission chair shall place the plan on the agenda of the next development review committee meeting that allows giving of, for at least 15 days, the following notices:
    - a. Mailed notice to the developer or other manner preferred by the developer.
    - b. Posted notice on the development site.
  - (4) Ten days after the town engineer receives the preliminary development plans, he shall submit written comments to the planning commission chairman as to the proposed development's probable effect on the public facilities and services of the town.
  - (5) Interested persons shall be given a reasonable opportunity to review the plans in the town hall and comment orally or in writing to the planning commission chairman.
  - (6) The development review committee shall review the preliminary development plan. At least one week prior to the development review committee meeting, the land use officer shall provide a brief development summary to the planning commission and development review committee for comments, questions or potential issues for discussion before the development review committee.
  - (7) On the earliest available date that allows one week review of the preliminary development plan the development review committee shall conduct a review of the preliminary development plan to determine whether the plan satisfies the requirements of this chapter.
  - (8) The development review committee shall:



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- a. Issue development order recommendations; or
  - b. If additional information from the developer is needed, the development review committee may continue its review to a date to be determined. The time, date and place of the continuation shall be stated at the development review committee meeting. No further notice shall be required if said continuation is for less than six weeks.
- (9) After the preliminary development plan is reviewed by the development review committee as sufficient, the planning consultant will issue a planning report to the planning commission. The planning commission shall schedule an administrative hearing to consider the final development plan and final development order, which will be held during a scheduled meeting of the planning commission. (Administrative hearing is held at the next meeting allowing for public notice to be published seven days prior to the hearing.)
- (d) Review of final development plans. The developer shall submit a final development plan for an administrative review conducted in accordance with section 34-39.
- (1) The review of the final development plan shall include consideration of the recommendations of the development review committee.
  - (2) The planning commission shall:
    - a. Issue a final development order complying with section 34-37 below; or
    - b. Refuse to issue a final development order based on the failure of the development to comply with the conditions imposed by the provisions of this chapter.
    - c. If additional information from the developer is needed, the development review committee may continue its review to a date to be determined. The time, date and place of the continuation shall be stated at the development review committee meeting. No further notice shall be required if said continuation is for less than six weeks.
- (e) Project phasing. A master plan for the entire development site must be approved for a development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the preliminary development plan for the first phase of the development and must be approved as a condition of approval of the preliminary development plan for the first phase. A preliminary and final development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

(Ord. No. 5-92, § 1.6, 8-25-92; Ord. No. 3-95, 8-8-95; Ord. No. 09-00, § 1, 12-12-00; Ord. No. 09-04, § 1(Att. A), 8-10-04; Ord. No. 10-11(Att. A), 1-10-12)

Sec. 34-36. - Reserved.

**Editor's note**— Ord. No. 10-11(Att. A), adopted Jan. 10, 2012, repealed § 34-36 in its entirety, which pertained to required and optional contents of preliminary development orders, and derived from Ord. No. 5-92, § 1.7, adopted Aug. 25, 1992; Ord. No. 09-04, § 1(Att. A), adopted Aug. 10, 2004.

Sec. 34-37. - Required and optional contents of final development orders.

- (a) Required contents. A final development order shall contain the following:

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- (1) A determination that, where one was required, a valid preliminary development order exists for the requested development.
  - (2) An approved final development plan with findings and conclusions.
  - (3) A determination that all conditions of the preliminary development order have been met.
  - (4) If modifications must be made to the development plan before a final development order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
  - (5) A specific time period during which the development order is valid and during which time development shall commence, a date by which construction shall be completed, and, if construction is abandoned, a maximum period of time that construction may cease without expiration of the development order. A final development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
  - (6) A statement of commitment by the own to the following:
    - a. The necessary facilities to fulfill the concurrency mandate shall not be deferred or deleted from the capital improvements element of the comprehensive plan or the adopted one-year capital budget unless the subject final development order expires or is rescinded prior to the issuance of a certificate of occupancy.
    - b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.
- (b) Optional contents. A final development order may contain:
- (1) A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
  - (2) A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.
  - (3) Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.
  - (4) A bond in the amount of 110 percent of the cost of services or facilities that the applicant is required to construct, contract for construction or otherwise provide.
  - (5) Such other conditions as may be required to ensure compliance with the concurrency requirement.

(Ord. No. 5-92, § 1.8, 8-25-92)

### Sec. 34-38. - Notice.

Unless otherwise provided by law, regulation or decision, addresses for a mailed notice required by this chapter shall be obtained from the records of the county tax collector. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements of this chapter.

(Ord. No. 5-92, § 1.9, 8-25-92)

### Sec. 34-39. - Administrative hearing.

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Each administrative hearing shall conform to the following procedures, as supplemented by law, rule or decision.

- (1) Burden and nature of proof. The applicant for any development permit must prove by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this chapter.
- (2) Order of proceedings.
  - a. The planning commission shall:
    1. Determine whether it has jurisdiction over the matter.
    2. Determine whether any member must abstain or is disqualified.
  - b. The planning commission may take official notice of known information related to the issue, including:
    1. State law and applicable resolutions, rules and official policies of the town.
    2. Other public records and facts judicially noticeable by law.
  - c. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The planning commission may take notice without prompting or suggestion of matters listed in subsection 34-39(2)b above and shall state all matters officially noticed for the record.
  - d. Commission members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the view in the record.
  - e. Staff, the developer, and interested persons may present information. The planning commission may approve or deny a request from a person attending the hearing to ask a question. Unless the planning commission specifies otherwise, if the request to ask a question is approved, the planning commission will direct the question to the person submitting testimony.
  - f. Before the hearing has concluded, the planning commission shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information.
- (3) Findings and order. Unless the planning commission and the developer agree to an extension, the planning commission shall, within ten working days of the hearing, prepare an order including:
  - a. A statement of the applicable criteria and standards against which the proposal was tested.
  - b. Finding of facts which established compliance or noncompliance with the applicable criteria and standards of this chapter.
  - c. The reasons for a conclusion to approve, conditionally approve, or deny.
- (4) Record of proceedings.
  - a. All proceedings shall be recorded stenographically or electronically and shall be transcribed if required for review or if ordered by the planning commission. Costs of transcription or copying shall be borne by the person requesting the record of proceedings to the limits allowable by state law.



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- b. The planning commission shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit or a copy of the exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with state law.
- c. The findings and order shall be included in the record.

(Ord. No. 5-92, § 1.10, 8-25-92)

Sec. 34-40. - Submittal requirements of a development review application.

- (a) Application forms and required signatures. Applications for development review shall be available from the town clerk. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with noticed proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.
- (b) General plan requirements. All preliminary and final development plans pursuant to this chapter shall conform to the following standards:
  - (1) All plans shall be drawn to a scale of one inch equals 100 feet, unless the planning commission chairman determines that a different scale is sufficient or necessary for proper review of the proposal.
  - (2) The trim line sheet size shall be 24 inches by 36 inches. A three-quarter-inch margin shall be provided on all sides except for the left binding side where a three-inch margin shall be provided.
  - (3) If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
  - (4) The front cover sheet of each plan shall include:
    - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, town limits, and other pertinent orientation information.
    - b. A complete legal description of the property.
    - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
    - d. Name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
    - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.
    - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
    - g. The area of the property shown in square feet and acres.
  - (5) Nine copies of the submittal shall be required.

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- (6) Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this chapter have been met.
- (c) Concept plan. Each concept plan shall show:
- (1) Existing conditions.
- a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants and any public or private easements.
  - b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.
  - c. Contour lines at two-foot intervals.
  - d. All watercourses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types and vegetative cover.
  - e. The approximate location of protected environmentally sensitive zones and restricted development zones as established in article VIII of this chapter.
  - f. Existing land use and zoning district of the parcel.
  - g. A depiction of the abutting property within 400 feet of the proposal, not including public right-of-way in the measurement, showing:
    1. Land uses (actual existing and future land use map) and locations of principal structures and major landscape features.
    2. Densities of residential use.
    3. Traffic circulation systems.
  - h. Location of proposed development in relation to any established urban service areas.
- (2) Proposed development activities and design.
- a. The approximate location and intensity or density of the proposed development.
  - b. A general parking and circulation plan.
  - c. Points of ingress to and egress from the site via existing or planned public or private road rights-of-way, pedestrian ways, or bicycle paths, and proposed access points to existing or planned public transportation facilities.
  - d. Existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public water management systems.
  - e. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
  - f. Proposed open space areas on the development site and types of activities proposed to be permitted on them.
  - g. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
  - h. A description of how the plan mitigates or avoids potential conflicts between land uses.

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1. Sufficient information provided by the developer to ensure compliance with the noise ordinance. Appropriate measures shall be employed in order to comply with noise ordinance measures based upon anticipated/proposed land use.
  2. Description of means and methods to ensure noise ordinance compliance. Engineering controls such as noise attenuation, noise abatement, or landscaping or vegetation buffers may be necessary to demonstrate compliance.
    - i. Preliminary architectural elevations of all buildings sufficient to convey the basic architectural intent and design style of the proposed improvements.
    - j. Elevation drawings of proposed new commercial buildings or substantial improvement of existing commercial buildings on the property demonstrating that the basic design elements listed in subsections 34-287(2)a., b. and c. have been committed. If the basic architectural elements have not been committed, the applicant shall demonstrate how the design of the new or substantially improved commercial building(s) displays an overall character consistent with one of the preferred architectural styles listed in subsection 34-287(3)a. Preferred methods to communicate building design and style should be discussed with the land use officer at the pre-application conference.
- (d) Preliminary development plan. A preliminary development plan shall include the information required in a concept plan plus the following additional or more detailed information:
- (1) Existing conditions.
    - a. A recent (taken not more than three years before the date of application) aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one inch equals 800 feet.
    - b. A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).
    - c. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number noted. This information shall be summarized in tabular form on the plan.
    - d. A topographic map of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure.
    - e. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through or from the project area.
    - f. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high-water table elevations and attendant drainage areas for each.
    - g. A map showing the locations of any soil borings or percolation tests as may be required by this chapter. Percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (retention), or exfiltration (detention with filtration) designs.
    - h. A depiction of the site, and all land within 400 feet of any property line of the site, showing the locations of protected environmentally sensitive zones and restricted development zones.
    - i. The location of any underground or overhead utilities, culverts and drains on the property and within 100 feet of the proposed development boundary.



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- j. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.
  - k. The 100-year flood elevation and special flood hazard area elevations, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.
  - l. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through or around the project.
- (2) Proposed development activities and design.
- a. Generally.
    - 1. Area and percentage of total site area to be covered by an impervious surface.
    - 2. Grading plans specifically including perimeter grading.
    - 3. Construction phase lines.
  - b. Buildings and other structures.
    - 1. Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
    - 2. Front, rear and side architectural elevations of all buildings.
    - 3. Building setback distances from property lines, abutting right-of-way centerlines, and all adjacent buildings and structures.
    - 4. Minimum floor elevations of buildings within any 100-year floodplain (area of special flood hazard).
    - 5. The location, dimensions, type, composition, and intended use of all other structures.
    - 6. Elevation drawings of proposed new commercial buildings or substantial improvement of existing commercial buildings on the property demonstrating that the basic design elements listed in subsections 34-287(2)a., b. and c. have been committed. If the basic architectural element have not been committed, the applicant shall demonstrate how the design of the new or substantially improved commercial building(s) displays an overall character consistent with one of the preferred architectural styles listed in subsection 34-287(3)a.
  - c. Potable water and wastewater systems.
    - 1. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
    - 2. The boundaries of proposed utility easements.
    - 3. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
    - 4. Exact locations of on-site and nearby existing and proposed fire hydrants.
  - d. Parking and loading.
    - 1. The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.

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2. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
  3. The location of all exterior lighting.
  4. The location and specifications of any proposed garbage dumpsters.
  5. Cross sections and specifications of all proposed pavement.
  6. Typical and special roadway and drainage sections and summary of quantities.
- e. Tree removal and protection.
1. All protected trees to be removed and a statement of why they are to be removed.
  2. Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
  3. A statement of the measures to be taken to protect the trees to be retained.
  4. A statement of tree relocations and replacements proposed.
- f. Landscaping.
1. Location and dimensions of proposed buffer zones and landscaped areas.
  2. Description of plant materials existing and to be planted in buffer zones and landscaped areas.
- g. Stormwater management.
1. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
  2. A description of the proposed stormwater management system, including:
    - (i) Channel, direction, flow rate and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
    - (ii) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
    - (iii) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
    - (iv) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
    - (v) Linkages with existing or planned stormwater management systems.
    - (vi) On-site and off-site rights-of-way and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the stormwater management system.
    - (vii) The entity or agency responsible for the operation and maintenance of the stormwater management system.

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3. The location of off-site water resource facilities such as works, surface water management systems, wells or wellfields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
  4. Drainage and runoff calculations shall be in accordance with the stormwater management technical manual, Basis of Review for Surface Water Management Permit Association within the Southwest Florida Water Management District, as referenced in F.A.C. 40D-4 and 40D-40.
- h. Environmentally sensitive lands.
1. The exact sites and specification for all proposed drainage, filling, grading, dredging and vegetation removal activities including estimated quantities of excavation or fill materials computed from cross sections, proposed within a protected environmentally sensitive zone or restricted development zone. (See articles VII and VIII of this chapter for prohibitions and restrictions on these activities.)
  2. Detailed statement or other materials showing the following:
    - (i) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
    - (ii) The distances between development activities and the boundaries of the protected environmentally sensitive zones.
  3. The manner in which habitats of endangered and threatened species are to be protected.
- i. Signs.
1. Two blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this chapter and the building and electrical codes adopted by the town. The plans shall clearly illustrate the type of sign or sign structure as defined in this chapter; the design of the sign, including dimensions, colors and materials; the sign area and aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.
  2. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
    - (i) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
    - (ii) All protected trees that will be damaged or removed for the construction and display of the sign.
    - (iii) The speed limit on adjacent streets.
  3. For regulated flat or building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
    - (i) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.

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- (ii) The number, size, type and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
    - (iii) A building elevation or other documentation indicating the building dimensions.
  - j. Subdivision. Proposed number, minimum area and location of lots, if development involves a subdivision of land. All other information as required to be included in the preliminary development plan as specified in article III of this chapter:
  - k. Land use and dedications.
    - 1. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.
    - 2. Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.
    - 3. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density and net density) shall be given.
  - l. Wellfield protection. Location of on-site wells, and wells within 300 feet of any property line.
  - m. Historic and archaeologic sites. The manner in which historic and archaeologic sites on the site, or within 1,000 feet of any boundary of the site, will be protected.
- (e) Final development plan. A final development plan shall include the information required in a preliminary development plan plus the following additional or more detailed information, and when applicable, all information and plan items required for final plat approval as specified in article III of this chapter.
  - (1) Reserved.
  - (2) Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. The name of the development shall be indicated on every page.
  - (3) Reserved.
  - (4) All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development."
  - (5) All contiguous properties shall be identified by development title, plat book, and page, or if the land is unplatted, it shall be so designated. If a subdivision to be platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. All abutting existing easements and rights-of-way must be indicated. The abutting existing rights-of-way must be indicated to the centerline.
  - (6) Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.



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- (7) Where the development includes private streets, ownership and maintenance association documents shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the town or any other public agency.
  - (8) All manmade lakes, ponds, and other manmade bodies of water including retention/detention areas shall be shown on the final development plan. The ownership of any bodies of water shall not be dedicated to the public unless approved by the town.
  - (9) Elevation drawings of proposed new commercial buildings or substantial improvement of existing commercial buildings on the property demonstrating compliance with Town of Inglis architectural design standards as per the findings of the planning commission during preliminary development plan review.
- (f) Master plan. A master plan is required for a development which is to be developed in phases. The master plan shall be submitted with the preliminary development plan for the first phase of the development (see subsection 34-35(e)). A master plan shall provide the following information for the entire development:
- (1) A concept plan for the entire master plan area.
  - (2) A development plan for the first phase or phases for which approval is sought.
  - (3) A development phasing schedule including the sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open space areas and facilities.
  - (4) Total acreage in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.
  - (5) Number, height and type of residential units.
  - (6) Floor area, height and types of office, commercial, industrial and other proposed uses.
  - (7) Total land area, and approximate location and amount of open space included in each residential, office, commercial and industrial area.
  - (8) Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
  - (9) Approximate location and acreage of any proposed public use such as parks, school sites and similar public or semipublic uses.
  - (10) A vicinity map of the area within one mile surrounding the site showing:
    - a. Land use designations and boundaries.
    - b. Traffic circulation systems.
    - c. Major public facilities.
    - d. Municipal boundary lines.
  - (11) Other documentation necessary to permit satisfactory review under the requirements of this chapter and other applicable law as required by special circumstances in the determination of the planning commission.

(Ord. No. 5-92, § 1.11, 8-25-92; Ord. No. 01-06, § 1a., 4-11-06; Ord. No. 05-06, § 1, 12-12-06; Ord. No. 10-11(Att. A), 1-10-12)

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Sec. 34-41. - Procedure for obtaining development permits.

- (a) Application. Application for a development permit shall be made to the town on a form provided by the town clerk and may be acted upon by the town building official without public hearing or notice.
- (b) Review and issuance by the building official; authorization. The town building official shall only issue permits that are authorized by a final development order, or for development that is exempted from the development review process and that meets the requirements of this chapter.

(Ord. No. 5-92, § 1.12, 8-25-92)

Sec. 34-42. - Procedure for amending this chapter or the comprehensive plan.

- (a) State law controlling. The procedures in this section shall be followed in amending this chapter and the comprehensive plan. This section supplements the mandatory requirements of state law, which must be adhered to in all respects.
- (b) Application. Any person, board or agency may apply to the town to amend this chapter or the comprehensive plan in compliance with procedures prescribed by the town. When this chapter or the comprehensive plan is proposed to be amended in conjunction with a development proposal, the request for amendment and corresponding supporting data and analysis shall be submitted as part of the preliminary development plan application.
- (c) Amending this chapter. The town clerk shall refer applications to amend this chapter to the planning commission for formulation and submittal of comments to the town commission. The planning commission chairman shall refer the application to the town consulting engineer and town planning consultant. The planning commission chairman shall set the application for review at a legislative hearing (conducted in accordance with subsection 34-42(e)) before the planning commission upon receipt of comments from the town consulting engineer and town planning consultant, or 60 days from the date the application was referred to the town consulting engineer and town planning consultant, whichever comes first. The written findings of the planning commission's legislative hearing shall be forwarded to the town commission for consideration at the town commission's legislative hearing held in accordance with subsection 34-42(g). When the proposed amendment is in conjunction with a proposed development, the planning commission and town commission shall hold their legislative hearings prior to the preliminary development plan review. Any preliminary development order or denial of a preliminary development order shall be consistent with the findings and legislative action resulting from the town commission's legislative hearing.
- (d) Amending the comprehensive plan. Applications to amend the comprehensive plan shall be set for hearing (conducted in accordance with subsection 34-42(e) and F.S. § 163.3174(4)(a)) before the planning commission. When the proposed amendment is in conjunction with a proposed development, the planning commission shall hold its legislative hearing prior to its administrative hearing for preliminary development plan review. The written findings of the planning commission's legislative hearing shall be forwarded to the town commission for consideration at the town commission's legislative hearing held in accordance with subsection 34-42(g) and F.S. § 163.3184(15)(b)1. Any preliminary development order, or denial of a preliminary development order shall be consistent with the findings and legislative action resulting from the town commission's legislative hearing.

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If the town commission has approved the proposed comprehensive plan amendment for transmittal to the state department of community affairs for objections, recommendations and comments (ORC) the preliminary development order shall require, as a contingency for the progression of the proposed development to final development plan review, that the transmitted amendment be adopted by the town commission and found to be "in compliance" as defined by F.S. § 163.3184(8)(a) and that the compliance determination shall not be the subject of intervention by an affected person in under F.S. § 163.3184(9)(b) or F.S. § 163.3184(10)(a).

- (e) Recommendation of planning commission. The planning commission shall hold a legislative hearing on each application to amend this chapter or the comprehensive plan and thereafter submit to the town commission a written recommendation which:
  - (1) Identifies any provisions of the chapter, comprehensive plan, or other law relating to the proposed change and describes how the proposal relates to them.
  - (2) States factual and policy considerations pertaining to the recommendation.
  - (3) In the case of proposed amendments to this chapter, includes the written comments, if any, received from the town consulting engineer and/or town planning consultant.
- (f) Decision by town commission. The town commission shall hold a legislative hearing on the proposed amendment to this code and/or the comprehensive plan and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.
- (g) Legislative hearing. Each legislative hearing shall conform to the following requirements:
  - (1) Public notice that complies with the requirements of state law shall be given. (See F.S. ch. 166, pt. 1 and F.S. § 163.3184(15).)
  - (2) The public hearing shall as a minimum:
    - a. Comply with the requirements of state law.
    - b. Present the planning commission's analysis of the proposed decision.
    - c. Present the planning commission's summary of reports by the town engineer and/or the town's planning consultant.
    - d. Permit any person to submit written recommendations and comments before or during the hearing.
    - e. Permit a reasonable opportunity for interested persons to make oral statements.

(Ord. No. 5-92, § 1.13, 8-25-92)

### Sec. 34-43. - Procedure for appealing decisions.

- (a) Appeals from decisions of the building official. A developer or any adversely affected person may appeal a final decision of the building official on an application for a development permit. Appeals are made to the town commission by filing a notice of appeal with the town within 30 working days of the decision.
- (b) Appeals from decisions of the planning commission. A developer, an adversely affected party, or any person who appeared orally or in writing before the planning commission and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan reached at the conclusion of an administrative hearing in accordance with section 34-44 of this Code.



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- (c) Notice of appeal to town commission. The notice of appeal shall contain:
- (1) A statement of the decision to be reviewed, and the date of the decision.
  - (2) A statement of the interest of the person seeking review.
  - (3) The specific error alleged as the grounds of the appeal.
- (d) Appellate hearing. When a decision is appealed to the town commission, the town commission shall conduct the hearing in compliance with the following procedures as supplemented where necessary.
- (1) Scope of review. The scope of review shall be as follows:
    - a. The review shall be limited to the record and applicable law.
    - b. The town commission shall have the authority to review questions of law only, including interpretations of this chapter, and any constitution, ordinance, statute, law, or other rule or regulation of binding legal force. For this purpose, an allegation that a decision of the decision-maker is not supported by competent substantial evidence in the record as a whole is deemed to be a question of law. The town commission may not reweigh the evidence but must decide only whether any reasonable construction of the evidence supports the decision under review.
  - (2) Authority of town commission. The town commission shall have the authority to:
    - a. Request briefs to be filed on behalf of any party and prescribe filing and service requirements.
    - b. Hear oral argument on behalf of any party.
    - c. Adjourn, continue, or grant extensions of time for compliance with these rules, either on his own motion or upon application of the party, provided no requirement of law is violated.
    - d. Dispose of procedural requests or similar matters including motions to amend and motions to consolidate.
    - e. Keep a record of all persons requesting notice of the decision in each case.
  - (3) Improper influence.
    - a. No person who is party, nor a person who is reasonably likely to become a party in the near future, nor anyone appearing on behalf of a party, shall communicate ex parte, i.e. outside a hearing, with the town commission concerning any application pending or proposed, provided however, the town commission may consider requests regarding scheduling of hearings when made in writing.
    - b. A member of the town commission shall neither initiate nor consider ex parte, i.e. outside a hearing, communications concerning a pending or impending proceeding. The town commission, however, may obtain the advice of a disinterested expert on law, planning or other subject applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.
  - (4) Decision of town commission and final action.
    - a. The town commission must affirm each contested decision or find it to be in error. The town commission shall prepare a written opinion stating the legal basis for each ruling.



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- b. When the town commission affirms a contested decision pertaining to a final action of a decision-maker, that action shall be deemed to be the final action of the decision-maker and shall be subjected to no further review under this chapter. The town commission shall submit the opinion to the decision-maker, and the parties.
  - c. When the town commission finds any decision to be in error, that decision shall be referred back to the building office for compliance with the town commission's opinion.
- (5) Custody of books and papers. The town clerk shall be the custodian of all documents including the application, the town commission's decision, and the record of the proceedings.

(Ord. No. 5-92, § 1.14, 8-25-92; Ord. No. 10-00, § 1, 12-12-00)

### Sec. 34-44. - Judicial review.

- (a) Review of legislative decisions and final permitting actions. A final legislative action of the town commission, any final administrative permitting action per the land development code or a section 34-43 appeal may be reviewed in a court of proper jurisdiction as prescribed below.
- (b) Review of final action.
  - (1) Any person or persons, jointly and severally, aggrieved by any final decision as defined in section 34-44(a) above may apply to the circuit court for judicial relief within 30 days of the decision being rendered.
  - (2) Review in circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

(Ord. No. 5-92, § 1.15, 8-25-92; Ord. No. 10-00, § 2, 12-12-00)

### Sec. 34-45. - Special provisions relating to administrative and appellate decision-makers.

- (a) Challenges to impartiality. A party to an administrative or appellate hearing may challenge the impartiality of any member of the hearing body or of the hearing officer. The challenge shall state by affidavit facts relating to a bias, prejudice, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the planning commission chairman no less than 48 hours preceding the time set for the hearing. The planning commission chairman shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.
- (b) Disqualification. No member of a hearing body and no hearing officer shall hear or rule upon a proposal if:
  - (1) Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; or if any such person shall have any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
  - (2) The decision-maker owns property within the area entitled to receive notice of the hearing; or
  - (3) The decision-maker has a direct private interest in the proposal; or

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- (4) For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.
- (c) Participation by interested officers or employees. No officer or employee of the town who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the hearing body or hearing officer on the proposal without first declaring for the record the nature and extent of the interest.
- (d) Ex parte contacts. Administrative decision-makers shall reveal any prehearing or ex parte, i.e., outside the hearing, contacts with regard to any matter at the commencement of the hearing on the matter. Typical preapplication discussions that do not dwell upon the particulars of the proposal are presumed and need not be stated. If the decision-maker's impartiality or ability to vote on the matter has been impaired, the decision-maker shall so state and shall abstain from participation in the decision. Appellate decision-makers shall have no ex parte contacts.
- (e) Involuntary disqualification. A majority of the members of a hearing body present and voting may for reasons prescribed by this chapter or other applicable law vote to disqualify a member who has refused to disqualify himself.
- (f) Rights of disqualified member of the hearing body. The rights of disqualified member of the hearing body shall be as follows:
  - (1) An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.
  - (2) A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, and making full disclosure of his status and position at the time of addressing the hearing body.
  - (3) If the hearing body is reduced to less than a quorum by abstentions or disqualifications, all members present after stating their reasons for abstention or disqualification shall be requalified and proceed to resolve the issues.
  - (4) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

(Ord. No. 5-92, § 1.16, 8-25-92)

Sec. 34-46. - Enforcement of development permits and orders.

- (a) Definitions. The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Major deviations means a deviation other than a minor deviation from a final development plan.

Minor deviations means a deviation from a final development plan 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:

- (1) Alteration of the location of any road, walkway, landscaping or structure by not more than five feet.

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- (2) Reduction of the total amount of open space by not more than five percent, or reduction of the yard area or open space associated with any single structure by not more than five percent, provided that such reduction does not permit the required yard area or open space to be less than that required by this chapter.
- (b) Inspection. The town clerk shall implement a procedure for periodic inspection of development work in progress, to be performed by the town building official, to ensure compliance with the development permit which authorized the activity.
- (c) Minor deviations. If the work is found to have one or more minor deviations, the planning commission shall amend the development order to conform to actual development. The planning commission may, however, refer any minor deviation that significantly affects the development's compliance with the purposes of this chapter to itself for treatment as a major deviation.
- (d) Major deviations.
  - (1) If the work is found to have one or more major deviations, the town shall:
    - a. Place the matter on the next agenda of the planning commission, allowing for adequate notice, and recommend appropriate action for the planning commission to take.
    - b. 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 planning commission determines that work or occupancy may proceed pursuant to its decision.
    - c. Refer the matter to the code enforcement officer, if it appears that the developer has committed violations within the jurisdiction of the code enforcement board.
  - (2) The planning commission shall hold a public hearing on the matter and shall take one of the following actions:
    - a. 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.
    - b. 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 chapter.
    - c. 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.
- (e) Action of developer after revocation of development order. After a development order or permit has been 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.
- (f) Application for certificate of occupancy. Upon completion of work authorized by a development permit and final development order, and before the development is occupied, the developer shall apply to the town for a certificate of occupancy. The town building official shall inspect the work and issue the certificate if found to be in conformity with the permit and order.

(Ord. No. 5-92, § 1.17, 8-25-92)

## INGLIS LAND DEVELOPMENT REGULATIONS

Sec. 34-47. - Enforcement of chapter provisions.

- (a) Generally. The code enforcement board shall enforce this chapter according to the procedures set forth below.
- (b) Enforcement procedures. Enforcement procedures shall be as follows:
  - (1) When the town code enforcement officer has reason to believe that the provisions of this chapter are being violated, he/she shall initiate enforcement proceedings. No member of the code enforcement board may initiate enforcement proceedings.
  - (2) The code enforcement officer shall notify the alleged violator of the nature of the violations and provide a reasonable period of time to eliminate them. If the violation poses an immediate danger the code enforcement officer shall require immediate mitigation. If the violations are not eliminated within the time specified, the code enforcement officer shall notify the code enforcement board and request a hearing. If a violation presents a serious threat to the public health, safety, and welfare, the building inspector or code enforcement officer shall immediately take the case before the code enforcement board, even if the violator has not been notified.
  - (3) Written notice of the request for hearing and of the date, time and place of the hearing shall be sent to the alleged violator by certified mail, return receipt requested, or by personal service. In addition, the officer shall comply with the procedures provided in F.S. § 162.12.
  - (4) After a case is set for hearing, the secretary to the code enforcement board shall issue subpoenas as requested by the town code enforcement officer and the alleged violator. Subpoenas may be served by any person authorized by law to serve papers. The town shall pay all costs of issuing and serving up to and including four subpoenas requested by any party. Should a party request more than four subpoenas, that party shall pay all costs incurred in issuing and serving those in excess of four.
  - (5) Hearings before the code enforcement board shall be conducted as follows:
    - a. The secretary shall read the statement of violations and request for hearing.
    - b. The alleged violator shall be asked if he wishes to contest the charges.
    - c. The town shall present its case and alleged violator shall present his case. The town's case shall be presented by an attorney representing the town or by a member of the administrative staff of the town. The alleged violator's case may be presented by an attorney, or other representative chosen by the alleged violator.
    - d. Both parties may call witnesses and all witnesses shall be sworn. All testimony shall be under oath and shall be recorded.
    - e. Formal rules of evidence shall not apply, but fundamental due process shall be observed.
    - f. Both parties may cross examine witnesses and present rebuttal evidence.
    - g. The board and its attorney may call or question any witness.
    - h. After all evidence has been submitted the chairperson shall close presentation of evidence.
    - i. The board shall immediately deliberate and make a decision in open session. If a decision cannot be reached in the initial meeting, the board shall adjourn and reconsider the matter as soon as possible at a time and date certain.
    - j. A decision of the board must be approved by at least four members of the board. The decision shall contain findings of fact and conclusions of law and shall state the affirmative relief granted by the board.





# ENGLIS LAND DEVELOPMENT REGULATIONS

## ARTICLE III. - SUBDIVISIONS<sup>[3]</sup>

### DIVISION 1. - GENERALLY

Sec. 34-81. - Short title.

This article shall be known and cited as the subdivision regulations of the town land development code.

(Ord. No. 5-92, § 2.2, 8-25-92)

Sec. 34-82. - Purpose and intent.

(a) The regulation of the subdivision of land is intended to:

- (1) Aid in the coordination of land development in the town in accordance with orderly physical patterns;
- (2) Discourage haphazard, premature, uneconomic or scattered land development;
- (3) Ensure safe and convenient traffic control;
- (4) Encourage development to economically stable and healthful communities;
- (5) Ensure adequate utilities;
- (6) Prevent periodic and seasonal flooding by providing protective flood control and drainage facilities;
- (7) Provide public open spaces for recreation;
- (8) Ensure land subdivision with installation of adequate and necessary physical improvements;
- (9) Ensure that the citizens and taxpayers of the town will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements;
- (10) Ensure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; and
- (11) Serve as one of the several instruments of comprehensive plan implementation authorized by F.S. ch. 163.

(b) No subdivision of any lot, tract or parcel of land as it existed on the effective date of the ordinance from which this chapter is derived shall be affected. No street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use and/or travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations and with F.S. ch. 177.

(c) The provisions contained herein shall apply to all lands within the limits of the incorporated portions of the town.

(d) It is intended that this article shall be liberally construed to accomplish its stated purposes.

(Ord. No. 5-92, § 2.3, 8-25-92)

## INGLIS LAND DEVELOPMENT REGULATIONS

### Sec. 34-83. - Variances.

In the event that the enforcement of any of the provisions of this article would be impracticable or would work an undue hardship upon any person or persons, following a report by the planning commission on the nature of the hardship in accordance with section 34-683 and subsection 34-684(a), the planning commissioners may waive any of the provisions of this article and such waiver shall not be deemed a continuing waiver of such provisions, nor shall such waiver abrogate or impair the effectiveness of such provisions.

(Ord. No. 5-92, § 2.4, 8-25-92)

### Sec. 34-84. - Special definition for this article.

The following term when used in this article shall have the meanings ascribed to it in this section, except where the context clearly indicates a different meaning:

Improvements means, and may include, but not be limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments or any other improvement required by the planning commission.

(Ord. No. 5-92, § 2.5, 8-25-92)

**Cross reference**— Definitions generally, § 1-2.

### Sec. 34-85. - Jurisdiction.

The regulations set out in this article shall apply to all lands presently within the incorporated limits of the town, and to any lands which may in the future be annexed to and be made a part of the town.

(Ord. No. 5-92, § 2.6, 8-25-92)

### Sec. 34-86. - Applicability.

The provisions contained herein shall apply to all lands within the incorporated limits of the town and in order to subdivide land and file a plat thereon, all requirements as set out in this article shall be met and the procedures as herein set forth shall be followed. No land shall be subdivided, or no building or structure or any part thereof constructed, in any area that has been subdivided unless such subdivision conforms to the provisions of this article.

(Ord. No. 5-92, § 2.7, 8-25-92)

### Sec. 34-87. - Inspections.

For the purpose of generally enforcing and administering this article, the town engineer or his duly authorized representative shall make such necessary inspections before, during and after the construction of the work so that the planning commission, the town commission, and the town administrator may currently be informed of the status of the development and so that the town engineer may generally assist all agencies and persons involved in the work to maintain the standards set by this article.

## INGLIS LAND DEVELOPMENT REGULATIONS

(Ord. No. 5-92, § 2.8, 8-25-92)

Sec. 34-88. - Variances; hardships; conditions.

- (a) Hardship. In the event that the enforcement of any of the provisions of this article would be impracticable or would work an undue hardship upon any person or persons, following a written report stating finding of fact in accordance with article XII of this chapter by the planning commission on the nature of the hardship, the planning commissioners may waive any of the provisions of this article as a written finding in a preliminary development order, and such waiver shall not be deemed a continuing waiver of such provisions, nor shall such waiver abrogate or impair the effectiveness of such provisions.
- (b) Conditions. In specifying modifications, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified or varied, however, in no case shall resulting levels of service be less than the adopted level of service standards.

(Ord. No. 5-92, § 2.9, 8-25-92)

Sec. 34-89. - Conflicting regulations.

Whenever any provision of this article imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance, regulations or restrictive covenant, then the provisions of this article shall govern. Whenever any provisions of any ordinances, law, requirements, regulations or restrictive covenants are more restrictive than this chapter, then such ordinances, regulations, law or restrictive covenant shall govern.

(Ord. No. 5-92, § 2.10, 8-25-92)

Sec. 34-90. - Penalties for violation.

- (a) Violation of the provisions of this article or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this article or fails to comply with its requirements shall, upon conviction thereof, be punished as provided in sections 34-46 and 34-47.
- (b) The owner or tenant of any building, structure, premises or part thereof, any engineer, architect, surveyor, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(Ord. No. 5-92, § 2.11, 8-25-92)

Secs. 34-91—34-110. - Reserved.





## ENGLIS LAND DEVELOPMENT REGULATIONS

- (b) Procedures for small scale plat review. Small scale plats shall be exempt from the requirements of subsection 34-111(2), concept plan review, and proceed directly to preliminary plat review following the pre-application conference. The small scale plat shall be submitted to the land use officer in compliance with the requirements of sections 34-116 and 34-117 for preliminary plat review. Notice procedures for a small scale preliminary plat shall include posted notice on the development site at least 15 days prior to the hearing and mailed notice to the developer at least 15 days prior to the hearing.
- (1) The land use officer shall distribute copies of the preliminary plat to the planning commission at least seven days prior to a regularly scheduled public meeting of the planning commission at which an administrative hearing consistent with the requirements of section 34-39 shall be held.
  - (2) A final small scale plat in accordance with the final plat requirements outlined in section 34-120 may be prepared directly following the issuance of an preliminary plat order from the planning commission.
  - (3) Submission of a final small scale plat to the town commission shall be consistent with the procedures described in subsection 34-119(a).
- (c) Small scale plat; plans and data.
- (1) Preliminary subdivision plats for small scale subdivisions are exempted from requirements (9), (12), (13), (15), and (18) as listed under section 34-113 of this article and shall be subject to all other provisions of section 34-113.
  - (2) Final subdivision plats for small scale subdivisions are exempted from requirements (19), (20), (13), (15), and (18) as listed under subsection 34-120(a) of this article and shall be subject to all other provisions of subsection 34-120(a).
- (d) Filing a small scale plat. A small scale plat shall be filed in a manner consistent with subsection 34-120(d).

(Ord. No. 5-92, § 2.13, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

### Sec. 34-113. - Preliminary plats; plans and data.

- (a) Name of subdivision. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat in the county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," "amended," etc.
- (b) Preliminary plat; form and content. The preliminary plat shall be at a scale of not more than 200 feet to the inch. It shall be well made copies of a neat, legible, reproducible original prepared in a workmanlike manner. The size of each sheet shall be 24 inches by 36 inches and shall be drawn with a marginal line completely around each sheet and placed so as to leave at least a one-half-inch margin on each of three sides and a three-inch margin on the left side of the sheet for binding purposes. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included (i.e., sheet two of four sheets), as well as clearly labeled matchlines to show where other sheets match or join. It shall show or be accompanied by the following information:
- (1) Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the county;
  - (2) Key plan, showing location of tract in reference to other areas of the town;

## INGLIS LAND DEVELOPMENT REGULATIONS

- (3) North arrow, graphic scale, scale and data; basis of bearing (desired true bearing);
- (4) Name of the owner of the property and his authorized agency;
- (5) Name of the registered engineer or surveyor responsible for the plat and supporting data;
- (6) Plat boundaries with sufficient angles or bearings and distances to accurately determine limits of the plat and its acreage;
- (7) Conditions on tract, including all existing watercourses, drainage ditches, and bodies of water; marshes; rock outcrop; and other significant features. Approximate limits of woodland areas including general identification of tree types, approximate location of protected trees as defined in article XI of this chapter shall be aerial photo identified;
- (8) All existing streets and alleys on or adjacent to the tract, including name, right-of-way width, street or pavement width, and established centerline elevations. Existing streets shall be dimensioned to tract boundaries;
- (9) All existing property lines, easements and rights-of-way and the purpose for which the easements of rights-of-way have been established;
- (10) Location, names where applicable, and width of all proposed streets, alleys, rights-of-way, easements and purpose of easements; proposed lot lines with approximate dimensions; lot numbers, and block numbers; proposed street name or identifying title which shall not duplicate or closely approximate the name of any other street in the town;
- (11) Ground elevation on the tract, based on NGVD datum level at minimum contour intervals sufficient to show disposition of surface drainage including any floodprone areas; as shown on the town's official FIRM flood map;
- (12) Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of three feet; location and results of soil percolation test if individual sewage disposal systems are proposed;
- (13) Written statement and graphic representations and profiles, if necessary, showing proposed grades of streets and facilities for drainage;
- (14) Zoning classifications on and adjacent to the tract;
- (15) Actual (i.e. existing) land use on and adjacent to tract;
- (16) Utilities on or adjacent to the tract. Indicate whether above or below ground;
- (17) Sites, if any, to be dedicated or reserved for public use;
- (18) Preliminary specifications for required improvements, such as streets, water, sanitary sewer, storm drainage, etc.;
- (19) All contiguous properties shall be identified by subdivision title, plat book, and page, or if unplatted, shall be so designated, with the owner(s) named;
- (20) Draft of protective covenants, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (21) SWFWMD approval or exemption letter of stormwater system and retention ponds.

(Ord. No. 5-92, § 2.19, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-113A. - General plans and data, preliminary plat review.

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In connection with the subdivision or resubdivision of land, the following materials are required to be included in the preliminary plat review application:

- (1) General subdivision information shall describe or outline the existing conditions of the site, including general information on drainage and topography, and the proposed development as necessary to supplement the drawings required below. This information may include but is not necessarily limited to data on existing covenants, land characteristics, and available community facilities and utilities, and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playground and park areas, other public areas, proposed restrictive covenants and proposed utilities and street improvements.
- (2) The location map shall show adjacent and surrounding properties and the relationship of the proposed subdivision to existing community facilities which serve or influence it. It shall include the development name and location, main traffic arteries, title, scale, north arrow and date.
- (3) The sketch plan on the topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be freehand pencil sketch drawn to scale overlaid directly on the topographic survey. The sketch shall show the ground elevation on the tract, based on National Geodetic Vertical Data (NGVD) datum level at minimum contour intervals sufficient to show disposition of surface drainage.

(Ord. No. 5-92, § 2.17, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-114. - Large scale platting procedures.

Large scale plats are those that are greater than ten acres or any plat that will require roadway improvements, drainage improvements or other required subdivision improvements whether private, public, or possible dedication of land to the town.

(Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-115. - Preliminary and final concurrent development plan and plat review procedure.

Subject to a written request by the applicant prior to concept plan review, preliminary plats and supporting data shall comply with all provisions of this article for plats and for development plans and shall be submitted as part of a preliminary development plan application. Final plats and supporting data under the concurrent review option shall also comply with all provisions this article for development plans and for plats. Review of said requirements shall occur concurrently as provided. It is the responsibility of the applicant choosing the concurrent review option, to insure that all requirements are met.

(Ord. No. 5-92, § 2.16, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-116. - Preliminary plat and construction plans for required improvements; preliminary plat review procedure.

The developer will prepare a preliminary plat, together with improvement and construction plans and other supplementary material as specified in section 34-113, subsection 34-35(c) and section 34-40.

- (1) Nine copies of the preliminary plat, improvement and construction plans, and supplementary material specified shall be submitted to the planning commission through the land use officer within six months of the concept review.



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- (2) The land use officer shall be the agent for reporting to the planning commission the recommendations, findings, or reports of the appropriate departments to which he refers the materials specified in subsection 34-113A(1) above, together with an analysis of compliance or noncompliance with regulations applicable to the preliminary plat and required supplementary materials. The town clerk shall check to determine whether any taxes remain unpaid on the land in question.
- (3) At the preliminary plat review, the planning commission will receive reports on and review the preliminary plat and required improvements and construction plans and supplementary materials to determine compliance with applicable regulations. The developer, adjoining owner, and other persons interested in or affected by the proposed subdivision shall have a right to be heard in person, by letter, or by agent or attorney before action is taken by the planning commission. The planning commission shall hold an administrative hearing as provided in section 34-39 as part of a previously prepared agenda. Written notice from the town shall be provided to all adjacent property owners at least 15 days prior to the hearing.
- (4) The planning commission may issue a preliminary development order approving the preliminary plat and accompanying plans and data as presented, or approve with stipulated minor modifications, if found to be in compliance with these regulations, or may refuse to issue a preliminary development order when not found to be in compliance with, or readily capable of being revised to comply with this article. If the planning commission refuses to accept the preliminary plat and required construction and improvement plans and supplementary materials, the planning commission shall state in writing the particular basis for the refusal based on the provisions of this Code and a copy thereof shall be furnished the developer.
- (5) Prior to issuance or denial of a preliminary plat or preliminary development order, the planning commission shall receive comments from the town engineer and land planner regarding the compliance of the preliminary plat and other accompanying data and plans.
- (6) If a preliminary development order is issued the action of the planning commission shall be noted on two copies of the plat and its recommendations shall be forwarded to the town commission.
- (7) Issuance of a preliminary development order that includes a preliminary plat and construction plans for required improvements and required supplementary materials shall not constitute acceptance of the final plat or issuance of a final development order. Rather, it shall be deemed an expression of acceptance of the layout and materials submitted on the preliminary plat and in the preliminary development plan as a guide to the preparation of the final plat and construction plans for required improvements and required supplementary materials of the final development plan. (Ord. No. 5-92, § 2.18, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-117. - Reserved. Sec. 34-118. - Reserved.

Sec. 34-119. - Final plat; procedure for submission and approval.

- (a) Submission of the final plat to the town commission. Prior to final development plan review and no less than 90 days before expiration of a preliminary development order (see subsection 34-119(b)(7)) the applicant shall submit nine copies of the final plat as prepared per the stipulated conditions of the preliminary plat, for plat approval by the town commission to meet the requirements of F.S. ch. 177. If the town commission approves of the final plat they shall sign nine copies of the final plat, and the applicant shall proceed to final development plan review by the planning commission seeking a final development order. If the town commission disapproves the plat, the reasons for disapproval shall be stated as written finding specifying noncompliance with the preliminary development order, or any regulations of the town and state.

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- (1) The final plat and required supplementary material shall be submitted in accordance with this article and article II of this chapter and shall be submitted if under concurrent review as part of a final development plan application, through the town engineer for approval by the planning commission and the town commission and for recording upon fulfillment of the requirements of any conditions imposed by a preliminary development order.
  - (2) Application for approval for the final plat and approval of construction of required improvements and required supplementary materials shall be submitted in writing as part of the final development plan application in accordance with subsection 34-40(e). The application shall be checked by the town engineer, land planner and any other appropriate town departments for compliance with applicable regulations. The town engineer and town departments shall report the findings to the town commission prior to their approval of the final plat, and to the planning commission prior to final development plan review.
- (b) Submission of the final plat and/or development plan to town commission.
- (1) The applicant shall, prior to expiration of the preliminary development order, submit to the town in accordance with subsections 34-35(d) and 34-40(e), the final plat as part of the final development plan application. The applicant shall include nine copies of the proposed final plat, completed application form and checklist, receipt of application fee paid to the town clerk, application fee, and all other required supportive data.
  - (2) The applicant, or his duly authorized representative, shall attend the town commission meeting(s) at which the proposed final plat is to receive consideration.
  - (3) The proposed final plat shall comply with the conditions stipulated in the preliminary development order if a preliminary development order is in effect [see subsection 34-119(a)].
  - (4) Following consideration at the regular monthly meeting, the planning commission shall either approve or disapprove the final plat by either issuing or denying a proposed final development order. If the plat has not been approved by the town commission between the time of the preliminary development order and final development plan review, the planning commission shall deny a final development order.
  - (5) The town commission shall not approve and sign the final plat until it has been shown either in writing or by signature on the face of the plat that the requirements of the county health department and the county road department and any other required permit authorities have been satisfied.
  - (6) If a final development order that includes the final plat is recommended for denial by the planning commission to the town commission the applicant shall be so notified in writing as to the provisions of this Code that were not met. The written notification shall state the findings of fact and reason(s) for denial.
  - (7) If the final plat is to be reviewed for a final development order, copies of the final plat and required supplementary material shall be prepared as specified in section 34-120 and shall be submitted to the town commission at least 90 days prior to expiration of the preliminary development order. Otherwise, such conditional approval of the preliminary plat shall become null and void with the expiration of the preliminary development order.
  - (8) Three paper prints of the final plat as approved in the final development order and one copy of the required supplementary material shall be submitted for the files of the town.
  - (9) Failure to comply with the provisions of this chapter and other applicable statutes and ordinances shall be cause for denial of the final development order that includes the final plat.
- (c) Where portions of the subdivision lie outside of the municipal limits.

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- (1) For subdivisions which include a portion of the proposed platted lands outside of the town's municipal limits, that portion of the subdivision shall be subject to the rules and procedures for subdivision of the county. However, where an impact on the level of service of the town facilities is expected, the plat approval and development approval shall comply with subsections (2) and (3) below.
  - (2) Where the proposed plat (development) of those portions of the subdivision which lie outside of the town limits will have an affect on the level of service of facilities that have adopted level of service standards in the town's comprehensive plan, the applicant shall include the necessary information at each stage of the plat (and development) application process in accordance with this article and this chapter, and that portion of the plat shall also meet all requirements of this chapter.
  - (3) If that portion of a subdivision located outside of the town limits at the time of preliminary development plan review is proposed to be annexed into the town, and annexation approval is required as part of the preliminary development order, the preliminary and final development plans shall provide the necessary information at each stage of the plat (and development) application process in accordance with this article and this chapter, and that portion of the plat shall also meet all requirements of this chapter.
- (d) Filing of final plat. Within one week following approval and signing of the final plat and the final development order by the town commission, the applicant shall submit the signed original and copy thereof, both bearing original signatures by the town commission, planning commission, and all other required signatories to the county clerk. The county clerk shall retain the signed copy and reserve plat book and page numbers for such plat which shall be reserved for a period not to exceed one week. Following reservation of plat book and page numbers by the county clerk, the applicant shall within one week submit to the clerk the following:
- (1) One original drawing;
  - (2) Two reproducible copies on stable film base;
  - (3) Seven prints on paper.

The clerk shall, if all copies are acceptable, sign the original and all copies, file the plat in the public records of the county, and distribute all copies to the appropriate offices, including one copy to the town.

- (e) Penalty. Failure by the applicant to comply with time requirements for filing appropriate documents with the county clerk shall result in a penalty of \$1.00 per day for each day applicant is late. If applicant is late for more than 20 working days, the clerk shall refuse to accept the plat and advise the applicant he must refile for final development approval with the town. A statement of the 20-day time limit for filing shall be stated as a mandatory condition in the final development order. (Ord. No. 5-92, § 2.20, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-120. - Final plat requirements; plans and data.

- (a) Final plat plans. Final plat plans shall be prepared by a surveyor registered in the state and to be an original drawing made with black permanent drawing ink on a stable base film, a minimum of 0.003 inches thick, coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility and as required for filing for record in the county, and in accordance with design standards and provisions of F.S. ch. 177 (maps and plats). When more than one sheet must be used to accurately portray the land subdivided, each sheet must show the particular number of that sheet and the total number of sheets included (e.g., sheet two of four sheets), as well as clearly labeled matchlines to show where other sheets match or join. Also, a master map shall be provided on the first sheet showing the relation of subsequent sheets together with all matchlines and sheet numbers. Where



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necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, a master plan shall be submitted in accordance with subsection 34-40(f). The final plat shall be at a scale of no more than 200 feet to the inch. The size of each sheet shall be 24 by 36 inches and shall be drawn with a marginal line completely around each sheet and placed so as to leave at least a one-half-inch margin on each of three sides and a three-inch margin on the left side of the plat for binding purposes, and shall include the following features:

- (1) Subdivision name or identifying title and name of recorded owner;
- (2) Primary control points, approved by the town engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred;
- (3) North arrow, scale, graphic scale, and date, basis of bearing (desired true bearing);
- (4) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less" if variable. Lot, block, street and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definitions of a foot or meter adopted by the United States Bureau of Standards;
- (5) Location sketch showing location of subdivision with respect to section lines;
- (6) Location and description of all permanent reference monuments;
- (7) The exact name, locations and widths along the property line of all existing or recorded streets intersecting or paralleling the boundaries of the tract;
- (8) The exact layout including street and alley lines and rights-of-way; street names, bearings and widths (including widths along the lines of any obliquely intersecting street); lengths of arcs and radii, points of curvature and chord and length and bearings; points of tangency or nontangency intersects; all easements owned by, or rights-of-way provided for, public utilities; all lot lines with dimensions in feet and hundredths, and with bearings or angles showing degrees, minutes and seconds. All street names shall conform to the town system;
- (9) Lots to be numbered in numerical order beginning with one in each block, and blocks to be numbered in numerical order or lettered in alphabetical order, except that block in numbered additions bearing the same name may be numbered consecutively throughout several additions; block corner radii dimensions shall be shown having a minimum of 25-foot radius;
- (10) Minimum building setback lines on all lots or other sites shall be shown or noted on the plat;
- (11) The accurate outline of all property which is to be dedicated, reserved or proposed for public use, including open drainage courses and easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision, with the purposes indicated thereon;
- (12) Reference to recorded subdivision plats of adjoining platted land by plat book and page and name, the adjacent portions of which may be shown in outline form. If adjoining property is unsubdivided, it is to be designated unplatted;
- (13) The centerline of all streets shall show as a minimum, the following:
  - a. Tangents: Distances and bearings;



## INGLIS LAND DEVELOPMENT REGULATIONS

- b. Curves: Arc distance, central angles, tangents, radii, chords, and chord bearings; all P.C.s, P.R.C.s and P.C.C.s shall be so designated;
- (14) Park and recreation parcels shall be so designated;
  - (15) All interior excepted parcels shall be clearly indicated and labeled "Not a Part of This Plat". The description as shown on the plat shall provide for such excepted parcels;
  - (16) The purpose of all areas dedicated must be clearly indicated or stated on the plat;
  - (17) When it is not possible to show curve detail information on the map, a tabular form may be used;
  - (18) A complete description of the land intended to be subdivided. Each plat shall show a description of the lands subdivided and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined;
  - (19) Every plat of a subdivision proposing streets must contain a dedication by the developer. The dedication shall be executed by all developers and mortgagees having a record interest in the lands subdivided in the same manner in which deeds are required to be executed;
  - (20) The plat shall contain on the face thereof an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, easements, commons or other public places included within the plat, such dedication to be subscribed to by the legal and equitable owners of such lands, which dedication shall be checked for accuracy of description by the town attorney and attested by a notary public. When necessary, the town engineer may check such dedication prior to action by the town attorney;
  - (21) Certification by registered surveyor attesting to the accuracy of the survey and that the permanent reference monuments have been established according to law and this article;
  - (22) Space and form for the following necessary acceptances or approvals:
    - a. Chairman of the planning commission;
    - b. President of the town commission;
    - c. The county; and
    - d. County clerk of the circuit court;
  - (23) Benchmarks shall be set at all P.R.M.s based on N.G.V.D.
- (b) Restrictive covenants. Protective covenants shall be in a form for recording.
  - (c) Other data. No plat shall be accepted or approved, or included in a final development order unless and until all taxes and improvements liens levied against the lands included in such plat have been paid and discharged.
  - (d) Developer's agreement. All preliminary development orders shall required the developer to enter into an agreement with the town. The agreement shall be prepared and approved by the town commission as part of their final plat approval and preparation, and, the town commission approval shall be stated as a condition for final development plan approval in the preliminary development order. The executed developer's agreement in form for recording shall specify the following:
    - (1) The work to be done by the developer, and the time specified therefore, by the town commission in the and final development order;
    - (2) The exceptions, if any, recommended by the planning commission to standard requirements;

## INGLIS LAND DEVELOPMENT REGULATIONS

- (3) The participation in the development, if any, by the town and the time for completion of such work;
  - (4) The lien, if any, imposed upon the land of the developer for any work performed by the town;
  - (5) The conditions under which building permits will be allowed within the subdivision by the town, which shall include meeting the requirements of concurrency under F.S. ch. 163, and, completion and certification of all improvements specified in the final development order;
  - (6) The conveyance by the developer to the town of all water, sewer and storm lines installed within dedicated public right-of-way, contingent upon meeting the requirements for concurrency as stipulated in this chapter;
  - (7) The agreement of the developer to maintain and repair all streets constructed by the developer in the subdivision for a period of one year after completion of the same and prior to acceptance of maintenance thereof by the town;
  - (8) A statement which shall prohibit any issuance of a development permit, building permit, certificate of occupancy, occupational license or certificate of use for any lot or part of the subdivision if any portions of the lineal development order have not been complied with by the developer and certified by the town engineer. Any permit issued in violation of this provision shall have no validity, nor confer any right or privilege;
  - (9) The developer's agreement shall constitute a covenant by the town and the developer-owner of the subdivision, the terms and conditions of which shall run with the land and be binding upon all successors in interest to the developer-owner.
- (e) Certification generally. Upon completion of the entire work on the subdivision or on one or more stages of the subdivision, in accordance with the developer's agreement and the final development order, the developer's engineer shall furnish to the town engineer a written certification of such completion accompanied by the records and data as herein prescribed. The town engineer shall recheck the plans and the work done, and if the same shall be found to comply with this article and are in accordance with the developer's agreement, the town clerk shall be so notified and applications for development may be accepted. No development permit shall be issued prior to the certification of the subdivision by the town engineer.
- (f) Title certification. Title and certificates shall present tract designation according to official records in the office of the county clerk. It shall include the names and addresses of owners, including certification from developer's attorney or abstract company that the dedicator of the plat is the owner of record at the time plat is to be accepted for filing; a statement from the owner that there are no mortgages on the property, if there are none or if there is a mortgage, a letter of acknowledgement from the mortgagee stating that he approves the platting; and a certificate from the developer's attorney and abstract company, or the county tax collector and town clerk, that all due taxes have been paid at the time application for conditional approval or acceptance is filed.
- (g) Platted streets; reversionary clauses. For the purposes of this article platted streets shall be in accordance with F.S. § 177.085.

(Ord. No. 5-92, § 2.21, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Sec. 34-121. - Minor replats; procedures.

- (a) Administrative approval. The land use officer may approve a minor replat that conforms to the requirements of this section.

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- (b) Minor replat application requirements. The land use officer shall consider a proposed minor replat upon the submittal of the following materials:
  - (1) An application form provided by the town which states that the proposal meets the definition of a minor replat according to this chapter.
  - (2) Four paper copies of the proposed minor replat.
  - (3) A statement indicating whether water and sanitary sewer service is available to the property.
  - (4) Legal land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the state. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application. Maps and plats are to be prepared by registered surveyors and construction plans and specifications for required improvements shall be prepared by a registered engineer. Such certifications shall be documented on the appropriate maps, plats and construction plans.
- (c) Review procedures.
  - (1) The land use officer shall transmit a copy of the proposed minor replat to the town engineer, and the town planning commission for review and comments.
  - (2) If the proposed minor replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the building official shall approve the minor replat by signing the application form.
- (d) Recording. Upon approval of the minor replat, the town clerk shall record the replat on the appropriate maps and documents, and shall, at the developer's expense, record the replat in the official county records.
- (e) Standards and restrictions. All minor replats shall conform to the following standards:
  - (1) Each proposed lot must conform to the requirements of this chapter.
  - (2) Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot width for the zoning district/category where the lots are located.
  - (3) If any lot abuts a street right-of-way that does not conform to the design specifications provided in this chapter, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.
  - (4) No further division of an approved minor replat is permitted under this section unless a plat is prepared and submitted in accordance with non-minor replat requirements of this article.

(Ord. No. 5-92, § 2.14, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

### Sec. 34-122. - Lineal descendant subdivision.

The town commission recognizes that this article, by definition, may impose financial difficulties on those persons desiring to convey parcels to their lineal descendants solely for the purpose of providing the descendent a place to live. Certain deed restrictions shall be imposed and shall be stated conditions in the development permit. These conditions shall include the access requirements which are necessary to protect the purpose, intent and integrity of this article as well as restrictions on further subdivision without adhering to the normal requirements under this article for subdivision.

- (1) Administrative approval. The land use officer may approve a lineal descendant subdivision that conforms to the requirements of this section.

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- (2) Lineal descendent subdivision application requirements. The land use officer shall consider a proposed lineal descendant subdivision upon the submittal of the following materials:
  - a. An application form provided by the town which states that the proposal meets the definition of a lineal descendant subdivision according to this article.
  - b. Four paper copies of the proposed lineal descendant subdivision plat.
  - c. A statement indicating whether water and sanitary sewer service is available to the property.
  - d. Legal land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the state. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.
- (3) Review procedures.
  - a. The land use officer shall transmit a copy of the proposed minor replat to the town engineer and to the town planning commission for review and comments.
  - b. If the proposed lineal descendent subdivision meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the land use officer shall approve the minor replat by signing the application form.
- (4) Recording. Upon approval of the lineal descendent subdivision, the town clerk shall record the plat on the appropriate maps and documents, and shall, at the developer's expense, record the plat in the official county records.
- (5) Standards and restrictions. All lineal descendent subdivisions shall conform to the following standards:
  - a. Each proposed lot must conform to the requirements of this chapter.
  - b. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot width for the zoning district/category where the lots are located.
  - c. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this chapter, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.
  - d. No further division of an approved lineal descendent subdivision is permitted under this section unless a plat is prepared and submitted in accordance with non-minor replat and non-lineal descendent subdivision requirements of this article.

(Ord. No. 5-92, § 2.15, 8-25-92; Ord. No. 03-05, § 1(Att. A), 6-14-05)

Secs. 34-123—34-140. - Reserved.



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**DIVISION 3. - STREETS AND OTHER PUBLIC WAYS<sup>141</sup>**

Sec. 34-141. - General street criteria; adoption of standards.

- (a) All street criteria including width of right-of-way, horizontal and vertical alignment, grade, intersection and crossing details, and other items related to the design, construction, maintenance and operation shall be in accordance with sections 34-142, 34-148, 34-150, 34-151, 34-152 and 34-154 and must be approved by the appropriate officials.
- (b) As a guide for street related items the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, prepared by the state department of transportation is hereby adopted, together with any amendments thereto. Copies of the text may be obtained from the Florida Department of Transportation, Reference Library, Burns Building, Room 380, 605 Suwannee Street, Tallahassee, Florida 32304.

(Ord. No. 5-92, § 2.22, 8-25-92)

Sec. 34-142. - Town maintained streets.

- (a) Design, construction and maintenance. All streets to be constructed and proposed for the dedication and acceptance into the town maintained street system shall be designed, constructed and maintained in accordance with section 34-141.
- (b) Dedication of rights-of-way. All rights-of-way, easements, etc., as appropriate, shall be dedicated to the town at no expense to the town.
- (c) Street system layout.
  - (1) The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding areas unless the planning commission deems such extension undesirable for specific reasons of topography or design.
  - (2) Streets shall be logically related to the topography to produce usable lots and acceptable grades.
  - (3) Minor streets shall be designed to be a grid, more or less rectilinear, with slight variations to a 90-degree grid allowed. Vistas shall be terminated wherever possible.
  - (4) Where a subdivision abuts or contains an existing or proposed collector or other high service road, frontage roads, rear service alleys, reverse frontage lots or other such treatment as required will be provided for protection of abutting properties and to reduce the number of intersections with major streets and separate local and through traffic.
  - (5) Streets shall intersect as nearly as possible at right angles (90 degrees). No street shall intersect another at an angle of less than 60 degrees.
  - (6) Street jogs with centerline offsets of less than 200 feet shall be avoided, except where topographic situations make this provision impractical.
  - (7) Street right-of-way widths and sight distances shall be as follows unless otherwise indicated or required by law:

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| Street Type  | Row<br>in Feet | Sight<br>Distance |
|--|----------------|-------------------|
| Major arterial thoroughfare                          | 150            | 1,600             |
| Secondary arterial thoroughfare or section line road | 100            | 600               |
| Collector I and II                                   | 60             | 400               |
| Local II   | 60             | 400               |
| Local I  | 50             | 300               |

The plat should indicate setback requirements on any street where they would be applicable.

Additional right-of-way may be required to promote public safety and convenience, or to ensure adequate access, circulation, and parking in high density residential areas, commercial areas, business areas, or industrial areas.

Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional right-of-way in conformity with the above standards shall be required for new subdivisions.

- (8) Cul-de-sac rights-of-way shall have a minimum diameter of 100 feet.
- (9) Unless future extension is clearly impractical or undesirable beyond a turnaround, right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining street.
- (10) To facilitate procurement of right-of-way for the future needs of the town roadway system, 50 feet on each side of all section lines shall be dedicated for roadway purposes.
  - a. When a development lies along one side of a section line and no road or dedicated right-of-way exists along the opposite side of the section line, the developer may, with approval of the planning commission:
    1. Dedicate the required right-of-way and install no improvements. However, no lots, tracts or parcels shall require access from such unimproved right-of-way; or
    2. Construct a full road section on 50-foot (minimum) right-of-way and incorporate into street system for the development.
  - b. When a development lies along one side of a section line and there exists a previously dedicated unimproved right-of-way, the developer may, with approval of the planning commission:
    1. Dedicate the required right-of-way and install no improvements. However, no lots, tracts or parcels shall require access from such unimproved right-of-way; or
    2. Construct a full road section centered on the right-of-way centerline or as right-of-way configuration requires and incorporate such road into street system for the development.

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- c. When a development lies along a section line and there exists a roadway constructed along the opposite side of the section line, the developer may, with approval of the town commission upon recommendation of the planning commission:
  1. Dedicate the required right-of-way and not utilize the existing roadway to serve the development; or
  2. Dedicate the required right-of-way and utilize the existing roadway or further improve such roadway to serve the development.
- (11) The street system shall connect directly to a street which is maintained by the state, county or other governmental agency.
- (d) Classification hierarchy. Classification of street types in accordance with this section shall be determined or approved by the town engineer. The number of lots served by any particular point along the road shall be for classification purposes as determined by the town engineer. The following definitions shall be used in connection with this section:
  - (1) Local I. A local I street means a street meeting the following conditions:
    - a. Shall be a dead end street terminating with a vehicular turnaround (cul-de-sac).
    - b. Shall serve no more than 30 lots, tracts or parcels.
  - (2) Local II. A local II street means a street meeting the following conditions:
    - a. May be connected to another street(s) at no more than two points.
    - b. Shall serve no more than 30 lots, tracts or parcels at any point along its length as determined by the town engineer.
    - c. Shall not create a series of interconnected loops so as to complicate the procedure of estimating lots served by a particular road section.
  - (3) Collector I. A collector I is a street meeting the following conditions:
    - a. May be connected to another street(s) at no more than two points.
    - b. Shall serve no more than 60 lots, tracts or parcels at any point along its length as determined by the town engineer.
    - c. Shall not create a series of interconnected loops so as to complicate the procedure of estimating lots served by any particular road section.
  - (4) Collector II. A collector II is a privately-owned and maintained street serving more than 60 lots, tracts or parcels.

(Ord. No. 5-92, § 2.23, 8-25-92)

### Sec. 34-143. - Alleys.

- (a) Alleys shall be provided in commercial and industrial land use districts, except that the planning commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- (b) The width of an alley shall not be less than 24 feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

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(d) Dead-end alleys shall be prohibited.

(Ord. No. 5-92, § 2.24, 8-25-92)

### Sec. 34-144. - Easements.

- (a) Utility easements. Utility easements shall be provided and where necessary may be centered on rear or side lot lines. Utility easements shall be at least 30 feet wide.
- (b) Stormwater easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there may be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose of storm drainage facilities (see subsection 34-144(f)). Parallel streets or parkways may be required in connection therewith where necessary for service maintenance and other measures for safety as may be required.
- (c) Other drainage easements. Other easements may be required for drainage purposes of such size and location as may be determined by the town engineer (see subsection 34-144(g)).
- (d) Pedestrian and service easements. Where necessary for safety and convenience service easements shall be provided. Pedestrian easements for pedestrian ways are required. Such pedestrian and service easements may include, or be included in, easements required in subsections 34-144(a), 34-144(b) and 34-144(c).
- (e) Conservation easements.
  - (1) Conservation easements are utilized to protect shoreline and wetland areas. Conservation easements are blanket easements over the area of concern and are granted or dedicated to the town. Conservation easements act to limit any future encroachment or development and thus provide protection of the town's floodprone areas and wetlands areas. Conservation easements shall be coterminous with restricted development zones as described in article VIII of this chapter.
  - (2) Conservation easements shall be required of all subdivisions which contain shoreline or wetland areas within their site boundaries. Conveyance of conservation easements shall be as follows:
    - a. Public. Platted subdivisions which have easements dedicated to the public shall identify all shoreline areas and wetlands on the face of the plat and include these areas in the dedication. (Shall be called on plat "conservation easement.")
    - b. Private (nonpublic). Subdivisions which do not have publicly dedicated easements shall identify all shoreline areas and wetlands on the face of the plat. Conservation easements shall be granted to the homeowner association by the dedication in the plat.
- (f) Drainage easements—On-site.
  - (1) Drainage easements are utilized to provide for the protection and legal maintenance of drainage systems not within a right-of-way. Drainage easements shall be required over any portion of a drainage system not within a right-of-way necessary for the function of the system.
  - (2) Drainage easements for all facilities must be shown on the final plat construction drawings and approved by the town engineer prior to issuance of a final development order. The easements shall be executed prior to issuance of any final development order, accepted by the town commission, and recorded in the public records prior to issuance of a development permit.
  - (3) The minimum allowable width of drainage easements shall be as follows:



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| Drainage System                   | Minimum Easement Width   |
|-----------------------------------|--|
| Closed drainage systems           | (dia. + 4 feet + 2D)<br>where D = Depth from grade to pipe invert is 15 feet minimum |
| Open drainage systems             |  |
| Bottom width 20 feet or less      | 15 feet + BW + 2SD   |
| Bottom width 20 feet to 40 feet   | 30 feet + BW + 2SD   |
| Bottom width greater than 40 feet | 40 feet + BW + 2SD   |
|                                   | Where BW = Bottom width and D = Depth of opening and S = Side slope                  |

- (4) The minimum allowable width of drainage easements may be increased if deemed necessary by the town engineer or the Southwest Florida Water Management District. Any variance to the above easement widths must be approved by the town engineer, the planning commission, and qualify for permits required by the Southwest Florida Water Management District.
- (5) Drainage easements shall be conveyed as follows:
  - a. Drainage easements which are required within a platted subdivision shall be clearly identified on the face of the plat and included in the dedication. Retention/detention ponds within platted subdivisions shall not be protected by a drainage easement but shall be platted as a separate tract of land dedicated to the entity responsible for its maintenance.
  - b. Public drainage facilities which are located within a private subdivision shall be granted a drainage easement by conveyance recorded in the official record book.
- (g) Drainage easements—Off-site. Subdivisions may require off-site drainage improvements in order to ensure the proper functioning of the on-site system. Such off-site improvements shall be provided with a drainage easement granted by conveyance and recorded in the official record book.
- (h) Access easements. Access easements are utilized to provide unobstructed access (curb cuts where applicable) for maintenance equipment from a street or right-of-way. Adequate maintenance access shall be provided for all drainage systems (i.e., open and closed drainage systems, retention/detention and exfiltration systems, etc.). Access easements shall be provided for facilities which are publicly maintained or maintained by an organization (i.e., homeowners association). Drainage systems which are required as part of an individual site development (site plan) shall not require public access easements for system maintenance. Access easements for all facilities must be shown on construction drawings and approved by the planning commission in a final development order. The easements must be executed, accepted by the town commission prior to issuance of the final development order, and recorded in the public records prior to issuance of a development permit.

(Ord. No. 5-92, § 2.25, 8-25-92)

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### Sec. 34-145. - Blocks.

- (a) The length, width and shape of blocks shall be determined with due regard to the following:
- (1) Provision of adequate sites for buildings of the type proposed.
  - (2) Zoning regulations.
  - (3) Limitations and opportunities of topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties surrounding the subdivision.
  - (4) Needs for convenient access, circulation, control and safety of street and pedestrian traffic and fire protection.
- (b) Blocks generally shall not be less than 400 feet nor more than 1,400 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the planning commission may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved footpath be included.
- (c) Pedestrian through-walks are required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than ten feet and a paved walk of not less than four feet. (Ord. No. 5-92, § 2.26, 8-25-92)

### Sec. 34-146. - Lots.

- (a) Lot size and dimensions shall be in accordance with the town zoning regulations.
- (1) The ratio of the depth of any lot to its width shall not be greater than 2½ to one, except as may be specified in the town zoning regulations.
  - (2) Side lot lines shall be substantially at right angles or radial to street lines.
  - (3) If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or dedicated to public use if acceptable to the town.
  - (4) Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and loading as required by the provisions of the zoning regulations.
  - (5) Corner lots for residential use shall have not less than 25 percent extra width, greater than the average of corresponding interior lots of the same block, to permit appropriate building setbacks from and orientation to both streets.
- (b) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory and permanent access to an existing public street, provided that the planning commission may approve private streets when constructed to the specifications of this article.
- (c) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right or access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. Such screen shall be composed of cold-resistant shrubs, shall be a type of shrub which presents a solid screen at the base unless liner plants are used, and shall be composed of shrubs at least three feet in height at time of planting.
- (d) When a subdivision is recorded with unpaved roads, the final plat shall contain a statement that "no further subdivision of these lots shall be permitted without paving all roads in the subdivision."

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Subdivisions with lots less than five acres shall have all roads paved in accordance with section 34-141. This provision shall pertain only to those developments in which a further subdivision of a lot would create a lot size of less than five acres.

(Ord. No. 5-92, § 2.27, 8-25-92)

Sec. 34-147. - Public sites and open spaces.

- (a) Where a proposed park, playground, school, or other public use is located in whole or in part in a subdivision, the planning commission may require the reservation of such area within the subdivision in those cases in which the planning commission deem such requirements to be reasonable and in the public interest and to meet adopted level of service standards. The planning commission may, in such cases, seek the voluntary dedication by the developer of such areas.
- (b) Where deemed essential by the planning commission upon consideration of the particular type of development proposed in the subdivision, and especially in a large-scale neighborhood unit development not anticipated in the comprehensive plan, the planning commission may require the reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes, especially to meet adopted level of service standards as specified in the comprehensive plan. The planning commission may, in such cases, seek the voluntary dedication by the developer of such areas, and condition the issuance of a final development order on such a dedication.
- (c) Where a natural stream or other important surface drainagecourse is located in an area being subdivided, the planning commission may require the dedication of lands or easements along each side of the stream or drainagecourse for the purpose of widening, deepening, sloping, ponding, improving or protecting the stream for drainage, parkway or recreational purposes. Such an easement shall be a conservation easement. (See subsection 34-144(e).)

(Ord. No. 5-92, § 2.28, 8-25-92)

Sec. 34-148. - Privately-owned and maintained streets.

- (a) General provisions. All streets to be constructed and not proposed for dedication and acceptance into the town maintained street system shall be designed, constructed and perpetually maintained in accordance with section 34-142. Privately-owned and maintained streets shall not be allowed when, or to such an extent as to interrupt or adversely affect the existing or future anticipated town maintained street system necessary to promote, protect and improve the public health, safety, good order, convenience, and general welfare.
  - (1) All proposed streets shall be completely contained within the limits of the subdivision or project except connections to outside streets serving the interdevelopment street network.
  - (2) Streets shall be so designed and arranged to discourage high speed traffic, through traffic, or traffic from outside the project or subdivision.
  - (3) All agreements and conditions relating to the perpetual maintenance of streets must be included in the developer's agreement approved by the town commission prior to issuance of a final development order or commencement of construction.
  - (4) Privately-owned and maintained streets shall be permitted only where direct connection is provided to a street maintained by the state, county or other governmental agency. Proof of



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approval of such connection shall be provided to the town planning commission as part of the preliminary development plan application.

- (b) Required improvements. Although the construction of privately-owned and maintained streets may depart from conformance with construction of streets for acceptance into the town maintained street system, certain minimum standards as follows have been established for privately-owned and maintained streets:
- (1) All minimum improvements including but not limited to drainage, flood protection, roadway structures, sidewalks, utilities, canals and waterways and other items deemed by the town engineer or planning commission that are necessary to promote, protect and improve the public health, safety, good order, convenience and general welfare shall be required and shall be designed in accordance with good engineering practice and maintain all adopted level of service standards.
  - (2) Street construction must be inspected and approved by the town engineer prior to the sale of any lots, tracts or parcels served thereby.
  - (3) Street improvements and construction shall be in accordance with the typical sections shown for local I, local II, collector I and collector II street types.

(Ord. No. 5-92, § 2.29, 8-25-92)

### Sec. 34-149. - Monuments.

- (a) Monuments shall be placed at all block corners, angle points or curves in streets and at intermediate points as shall be required by the town engineer.
- (b) A sufficient number of permanent reference monuments shall be set in each subdivision, in no case less than two and in no case more than 1,400 feet apart, either within the tract or on the exterior boundaries thereof, or both, property referenced for both construction and future town use. The permanent reference marks shall meet all the specifications set out in F.S. ch. 177.
- (c) The location of all monuments shall be indicated on the final plat. All monuments and permanent reference marks shall be of such size, material, and length as may be specified by F.S. ch. 177.
- (d) Lot line boundaries shall be monumented.
- (e) All original corner markers shall be protected throughout the developments. All monuments must be in place before the developer is released from bond, if bond has been posted. If no bond is posted, monuments must be in place prior to the issuance of any development permit or sale of any lot in the subdivision. Any and all land monuments disturbed or destroyed in the process of construction shall be accurately witnessed and replaced at the expense of the developer upon the completion of construction.

(Ord. No. 5-92, § 2.30, 8-25-92)

### Sec. 34-150. - Storm drainage.



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- (a) A drainage system design prepared by a registered professional engineer is required which will include detailed construction plans, supportive calculations, and any additional information related or required therewith. The drainage system shall meet the adopted level of service standard for drainage systems specified in the adopted comprehensive plan of the town, as well as all requirements of this chapter.
- (b) The design engineer's attention is directed to the following:
  - (1) Where drainage runoff comes from outside the limits of the subdivision it shall be included in the design.
  - (2) Design storm density/intensity, frequency data shall be taken from the Southwest Florida Water Management District Manual entitled Basis of Review for Surface Water Management Permit Applications Within the Southwest Florida Water Management District, for this rainfall zone.
  - (3) Culverts and all other facilities and structures shall be designed to meet the adopted level of service standards specified for the drainage system in the adopted comprehensive plan of the town.
  - (4) In no case shall the design of the drainage system allow the water quantity and quality of postdevelopment stormwater runoff to exceed predevelopment runoff quality and quantity.
  - (5) All water retention areas shall be fenced and shall be screened by appropriate trees or shrubbery, unless the retention area is designed to function as an artificial wetland.
  - (6) Where land is subject to periodic flooding, 100-year flood zone limits must be shown on final plats.
  - (7) Areas to be used for water retention purposes shall be designated as "water retention areas" on the plat and shall not be shown on the plat in any other way. Such areas shall in no circumstances be given a lot designation in the subdivision; when such areas are deeded to the town, they shall be deeded as "water retention areas" in a given block as the case may be.
  - (8) Drainage facilities and necessary auxiliary improvements such as fencing and screening must be constructed and certified by the town engineer before the developer is released from bond, if bond has been posted. If no bond is posted, drainage facilities must be constructed, and certified by the town engineer before the sale or development of any lot of the subdivision.
- (c) Land subject to flooding (floodprone areas) or land recommended by the town engineer to the planning commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

(Ord. No. 5-92, § 2.31, 8-25-92)

### Sec. 34-151. - Clearing and grading of rights-of-way.

The developer shall be required to clear all rights-of-way to their full width and to make all grades, including grades for streets, alleys, and drainage to grades approved in the final plat. The planning commission may provide that protected trees as defined by article XI of this chapter shall not be removed from the right-of-way, where the preservation of such trees will not hinder the future maintenance of streets, drainage or utilities, or be a hazard to vehicular or pedestrian safety. All debris shall be removed from rights-of-way.

(Ord. No. 5-92, § 2.32, 8-25-92)

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### Sec. 34-152. - Bridges and culverts.

- (a) The minimum width of bridges shall meet state road specifications for arterial roads and shall be the minimum width of the paving section plus three feet of each side for all other roads. Culverts shall be of such size as to provide adequate drainage opening, and of sufficient length to extend beyond the curb limits of a road. Culverts shall meet the standards specified by the town engineer, and be of sufficient size to meet adopted level of service standards.
- (b) Locations of bridges and culverts, with construction data and full specifications, shall be shown in an exhibit of the final development plan, and the final development order shall be denied unless such exhibit is transmitted.
- (c) Bridges and culverts must be constructed and approved before the developer is released from bond, if bond has been posted. If bond is not posted, bridges and culverts must be constructed and approved by the town engineer before the sale of any lot in the subdivision, and issuance of any final development order or certificate of occupancy for any lot in the subdivision.

(Ord. No. 5-92, § 2.33, 8-25-92)

### Sec. 34-153. - Sewer and water.

- (a) Town water (including fire hydrants) shall be provided in each new subdivision. Plans for use of private septic tanks, private sewer systems, or private water systems must, in such circumstances, be fully approved by all state, county, and town authorities before approval of final plat by the town commission. Private septic tanks or private sewer systems shall be so installed as to simplify later connection with town systems.
- (b) Systems for installation of water, sewer, and storm sewer systems shall be as follows:
  - (1) Water and sewer. Each lot within the subdivision area shall be provided with a connection to the town's public water supply and an adequate public sanitary sewer system that shall comply with the regulations of the state department of health and rehabilitative services, and standard specifications for water and sewer installation and approval of the town engineer. If any defects shall occur in the water or sanitary sewer facilities within one year from the date of certification by the town engineer, such defects shall be remedied and corrected at the developer's expense. The specifications and location of fire hydrants shall be approved by the town engineer.
  - (2) Storm drainage. All necessary facilities, either underground pipe, drainage wells, canals, or drainage ditches, shall be installed to town standards and specifications and meet adopted level of service standards, and certification by the town engineer, so as to provide adequate disposal of surface water and to maintain any natural watercourses. In areas where high groundwater exists, under drains shall be installed. If any defects shall occur in the storm drainage system within one year from the date of certification by the town engineer, such defects shall be remedied and corrected at the developer's expense.
- (c) Installations for water, sewer, and storm drainage shall be installed at the expense of the developer with no rebates from the town to the developer.

(Ord. No. 5-92, § 2.34, 8-25-92)

### Sec. 34-154. - Public streets.

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- (a) All streets and public ways shall be cleared and graded to their full width of right-of-way and to the established and approved grade as set out in section 34-151. If required to prevent erosion or excessive washing, protective measures shall be taken by the developer as required by the town engineer.
- (b) Street signs identifying streets by name or number shall be installed in accordance with section 34-155. Street names and lot numbers shall conform to the street naming and lot numbering plan of the town.
- (c) Warning and regulatory signs including stop, yield, etc., shall be installed in accordance with specifications and regulations used by the county road department and must be in compliance therewith.
- (d) All cul-de-sac and dead-end streets shall be marked with a sign indicating "Dead End."
- (e) Design standards for streets and roads shall be as follows:
  - (1) Lots less than five acres. In any subdivision where one or more lots are less than five acres in size, all roads shall be paved and shall be constructed to town's standards as provided herein. (See typical road sections at the end of this article.)
  - (2) Lots five to 20 acres. In any subdivision where all lots are five acres or more or less than 20 acres in size, roads may generally be unpaved (no surface course) according to the following requirements:
    - a. Streets may generally be unpaved; however, paving may be required depending upon topography, and other special circumstances as may be determined by the planning commissioners after review and recommendations having been made by the town engineer to the planning commission of the town. Those subdivision streets which are unpaved shall conform to all other requirements of this article. (See typical road section in Figure 1 of this article.)
    - b. All collector streets shall be paved.
    - c. All section line streets shall be paved.
  - (3) All streets. All streets shall be paved to at least the minimum applicable standard specifications of the town. The right-of-way widths, utilities easements and locations, and paving widths and shoulder stabilization, shall be in accordance with the typical cross section in Figure 1.

(Ord. No. 5-92, § 2.35, 8-25-92)

Sec. 34-155. - Street signs required.

- (a) Street sign material, location, and height. Street name signs shall be placed at each street intersection on metal posts erected in concrete (or any other approved method) by the developer. The top of each sign shall be seven feet above the centerline grade of the road. The signs shall be located midway between the edge of the roadway and right-of-way line. All signs shall be uniform and conform to the following specifications:
  - (1) Blue reflectorized background baked on six-inch wide aluminum blanks;
  - (2) Name letter shall be four-inch silver reflectorized letters;
  - (3) Abbreviations are permissible as follows:
    - a. RD for Road.
    - b. ST for Street.

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- c. AVE for Avenue.
  - d. PL for Place.
  - e. CT for Court.
  - f. TER for Terrace.
  - g. CIR for Circle.
- (b) Street sign inspection and certification. Street name signs shall be installed prior to certification review by the town engineer and release of bond. Installation of street name signs shall be a prerequisite to receiving certification from the town engineer and prior to sale of or issuance of a development permit for any lot in the subdivision.
- (c) Street naming. For purposes of street naming the following suffixes shall apply:
- (1) Avenue shall be used only for streets that run in a generally east-west direction;
  - (2) Street shall be used only for streets that run in a generally north-south direction;
  - (3) Circle or Court shall be used only for cul-de-sac type streets that run in a generally north-south direction;
  - (4) Lane or Place shall be used only for cul-de-sac type streets that run in a generally east-west direction;
  - (5) Road or Way shall be used only for streets that run in a diagonal manner, either a generally northwest-southeast direction or a northeast-southwest direction;
  - (6) The words north, south, east, or west should be avoided as part of a street name whenever possible.
- (d) Street naming of a street extension. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.

(Ord. No. 5-92, § 2.36, 8-25-92)

### FIGURE 1: TYPICAL ROADWAY SECTION DESIGN STANDARD

Sec. 34-156. - Notes pertaining to typical roadway section design standards.

- (a) General notes. General notes pertaining to typical roadway section design standards shall be as follows:
- (1) Stabilization shall be type b unless otherwise noted.
  - (2) Streets shall be designed and constructed in accordance with the Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways.
  - (3) Governing specifications shall be the current edition of the state department of transportation standard specs for road and bridge construction.
- (b) Notes for typical road section for local I and II. Notes for typical road section for local I and II shall be as follows:
- (1) Surface course (optional): 1¼ inches minimum D.O.T. type I or type II asphaltic concrete or D.O.T. type 2 bituminous surface treatment, or D.O.T. double surface treatment.
  - (2) Base: Six inches minimum of compacted limerock or other suitable material, approved by the town engineer.



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- (3) Subgrade stabilization: When required shall be accomplished by mixing limerock or other suitable material, approved by the town engineer, with clean sand; stabilized subgrade must be a minimum of eight inches in depth stabilized with subgrade w/LBR 20 and must be approved by the town engineer.
  - (4) Where, in the opinion of the town engineer, it is necessary areas shall be fertilized, seeded, mulched and watered to prevent erosion.
- (c) Notes for typical road section for collector I. Notes for typical road section for collector I shall be as follows:
- (1) Surface course (optional): One inch minimum D.O.T. type II asphaltic concrete or D.O.T. type 2 bituminous surface treatment, or D.O.T. double surface treatment.
  - (2) Base: Without surface course; six inches minimum of compacted limerock or other suitable material, approved by the town engineer; alternately may be eight inches minimum of loose limerock or other suitable material mixed with clean sand, compacted after mixing and having a compacted depth of 12 inches.  
  
Base: With surface course; four inches minimum of compacted limerock or other suitable material, approved by the town engineer; alternately may be six inches minimum of loose limerock or other suitable material mixed with clean sand, compacted after mixing and having a compacted depth of 12 inches.
  - (3) Subgrade stabilization: When required shall be accomplished by mixing limerock or other suitable material, approved by the town engineer with clean sand; stabilized subgrade must be a minimum of 12 inches in depth and must be approved by the town engineer.
  - (4) Where, in the opinion of the town engineer, it is necessary areas shall be fertilized, seeded, mulched and watered to prevent erosion.
- (d) Notes for typical road section for collector II. Notes for typical road section for collector II shall be as follows:
- (1) Surface course (optional): One inch minimum D.O.T. type II asphaltic concrete or D.O.T. type 2 bituminous surface treatment, or D.O.T. double surface treatment.
  - (2) Base: Six inches minimum of compacted limerock or other suitable material, approved by the town engineer; alternately may be six inches minimum of loose limerock or other material mixed with clean sand, compacted after mixing and having a compacted depth of ten inches.
  - (3) Subgrade stabilization: When required shall be accomplished by mixing limerock or other suitable material, approved by the town engineer with clean sand; stabilized subgrade must be a minimum of 12 inches in depth and must be approved by the town engineer.
  - (4) Where, in the opinion of the town engineer, it is necessary areas shall be fertilized, seeded, mulched and watered to prevent erosion.

(Ord. No. 5-92, § 2.37, 8-25-92)

Secs. 34-157—34-180. - Reserved.

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**ARTICLE IV. - ZONING<sup>151</sup>**

**DIVISION 1. - GENERALLY**

Sec. 34-181. - Purpose, intent and scope.

In pursuance of authority conferred by F.S. ch. 163, the purpose, intent and scope of this article are for promoting the health, safety, morals and general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; conserving the value of land and buildings; preserving the ecological functions of land and water resources; and facilitating the adequate provision of transportation, potable water, sewerage, schools, parks and other public requirements in accordance with the town's adopted comprehensive plan.

(Ord. No. 5-92, § 3.2, 8-25-92)

Sec. 34-182. - Short title.

This article shall be known and may be cited as the zoning regulations of the town land development code.

(Ord. No. 5-92, § 3.3, 8-25-92)

Secs. 34-183—34-200. - Reserved.

**DIVISION 2. - ADMINISTRATION<sup>161</sup>**

Sec. 34-201. - Preliminary development order administrators.

- (a) The provisions of this article shall be administered and enforced by the land use officer or his/her designated alternate appointed by the town commission. Their duties shall include receiving development applications, assisting applicants in the procedures required hereunder, inspecting premises when applicable and issuing preliminary development orders.
- (b) If the administrators shall find that any of the provisions of this article are being violated, they shall, in writing, notify the person(s) responsible for such violations, including the nature of the violation and the action necessary to correct it.

(Ord. No. 5-92, § 3.39, 8-25-92; Ord. No. 7-94, 8-23-94)

Sec. 34-202. - Preliminary development order required.

A preliminary development order issued by the land use officer is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance with the following:

- (1) The following types of improvements will require a preliminary development order from the town land use office:
  - a. Improvements that occur in conjunction with a change of occupancy or zoning classification;
  - b. New construction;
  - c. Any improvement that changes the exterior dimensions of the structure; or

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- d. Setting up off-site built or prefabricated structures of any kind.
- (2) There are other types of improvements that will require permits, such as electrical upgrade, plumbing changes, etc., that can be obtained directly from the county building department. The town has an interlocal agreement with the county building department regarding permits and inspections. Either the town land use officer or the county building official may be contacted for details and requirements.

(Ord. No. 5-92, § 3.40, 8-25-92; Ord. No. 7-94, 8-23-94)

### Sec. 34-203. - Preliminary development permit applications.

- (a) All applications for a preliminary development order shall be accompanied by at least two sets of plan drawings drawn to scale at no less than one inch equals 100 feet, showing the actual dimensions of the lot to build upon, exact sizes and locations on the lot of the proposed building(s) or alteration(s), the number of dwelling units the building is designed to accommodate, if a mobile home or manufactured home, the serial number of such mobile home or manufactured home, protected tree locations and tree types, signs, and a description of use and hazardous substance use, storage, or disposal, if applicable.
- (b) If the proposed development as set forth in such plans is in conformity with the provisions of this article and other articles of this chapter then in force, the land use officer shall sign and return one copy of the plans to the applicant and shall issue one or more preliminary development orders upon payment of any required fees. The land use office shall retain one copy of the preliminary development order(s) and one copy of the plans.

(Ord. No. 5-92, § 3.41, 8-25-92; Ord. No. 7-94, 8-23-94)

### Sec. 34-204. - Time limitations.

- (a) Any development permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year.
- (b) If and in the event the purchaser of a building development permit shall fail to utilize the permit for the purposes for which it was purchased, or if and in the event the permit shall become invalid as provided for herein, there shall be no refund of any portion of the fee paid for such permit.

(Ord. No. 5-92, § 3.41.1, 8-25-92)

### Sec. 34-205. - Certificate of occupancy required.

- (a) A certificate of occupancy issued by the county building official is required in advance of occupancy or use of:
  - (1) Any lot or change of use thereof.
  - (2) A building hereafter erected or altered or changed in the use or occupancy of an existing building.
  - (3) Each nonconforming use created by the passage of and subsequent amendment to this article or that its change extended, altered, or rebuilt thereafter.
- (b) The certificate of occupancy will state specifically where the lots, buildings, or use fails to meet the requirements of occupancy, or the final development order. A record of occupancy permits shall be kept on record in the town hall.

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(Ord. No. 5-92, § 3.42, 8-25-92; Ord. No. 7-94, 8-23-94)

Sec. 34-206. - Duties of the town commission.

It is the intent of this article that the duties of the town commission under this article shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this article the town commission shall have only the duties of:

- (1) Considering and adopting or rejecting proposed amendments or the repeal of this article, as provided by law; and
- (2) Establishing a schedule of fees and charges as stated in section 34-207.

(Ord. No. 5-92, § 3.46, 8-25-92)

Sec. 34-207. - Schedule of fees, charges, and expenses.

- (a) The town commission shall establish a schedule of fees, charges, and expenses, and a collection procedure, for development applications, development permits, certificates of occupancy, appeals, applications for hardship relief and other matters pertaining to this article. This schedule of fees shall be posted in the office of the town clerk, and may be altered or amended only by the town commission.
- (b) No development review, permit, certificate of use or occupancy, occupational license, or hardship relief shall be issued or hearing held unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the hearings division unless or until preliminary charges and fees have been paid in full. (Ord. No. 5-92, § 3.47, 8-25-92)

Sec. 34-208. - Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or any building or land is used in violation of this article, the building official, or any other appropriate town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land. (Ord. No. 5-92, § 3.44, 8-25-92)

Sec. 34-208.5. - Work commencing before zoning approval issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of \$100.00 in addition to the required zoning approval fee. (Ord. No. 97-3, § 1(3.445), 4-22-97)

Sec. 34-209. - Amendments.

The town commission may from time to time on its own motion or on petition, after public notice and hearing as provided by law, amend, supplement or change, modify or repeal, the boundaries or regulations herein or subsequently established, providing that such changes are consistent with the town's adopted comprehensive plan and F.S. ch. 163, and, after submitting the same to the town planning commission for its recommendation and report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment. No action may be taken until after a public hearing has been held, at which time parties with standing as defined by F.S. § 163.3215 shall have had an opportunity to be heard. At least 15 days notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the town.

(Ord. No. 5-92, § 3.45, 8-25-92)



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**DIVISION 3. - ZONING DISTRICTS**

Sec. 34-231. - Division into districts.

For purposes of this article, the town is hereby divided into 13 districts designated as follows:

|              |                                     |
|--------------|-------------------------------------|
| <b>RC-1</b>  | Residential-Conservation            |
| <b>R-1</b>   | Residential                         |
| <b>R-1-A</b> | Residential                         |
| <b>R-1-B</b> | Residential                         |
| <b>R-2</b>   | Multifamily Residential             |
| <b>C-1</b>   | Neighborhood Commercial             |
| <b>C-2</b>   | Commercial                          |
| <b>I</b>     | Industrial                          |
| <b>MHP-1</b> | Mobile Home, Manufactured Home Park |
| <b>PI</b>    | Public-Institutional                |
| <b>P</b>     | Park                                |
| <b>T</b>     | Timber                              |
| <b>U</b>     | Utility                             |

(Ord. No. 5-92, § 3.4, 8-25-92)

Sec. 34-232. - Boundaries.

The boundaries of these districts are as shown upon the map entitled, "Zoning Map, Town of Inglis, Florida," dated and certified by the town clerk. Such map is hereby made a part of this article.

- (1) Amendments to the zoning map. All amendments and changes to the zoning map shall be recorded by the town clerk with the building inspector not later than 48 hours after such amendment becomes effective. All amendments and changes to the zoning map shall be recorded at the end of each fiscal year upon a new copy of the zoning map.

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Sec. 34-210. - Conflict with other regulations.

Whenever the regulations of this article require a greater width or size of yards or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statute the requirements of these regulations shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this article the provisions of such statute shall govern.

(Ord. No. 5-92, § 3.48, 8-25-92)

Sec. 34-211. - Penalties for violation.

Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 5-92, § 3.43, 8-25-92)

Secs. 34-212—34-230. - Reserved.

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- (2) Revision of the zoning map. The town commission may from time to time order the revision of the zoning map so as to include all changes to date and to take the place of the original map which is a part of this article. No changes shall be made upon such revised map that are inconsistent with the town's adopted future land use map or, have not been made in regular form by the town commission of the town.
- (3) Location of the zoning map. Regardless of the existence of purported copies of the zoning map, which may from time to time be made or published, the zoning map of the town in the office of the town clerk shall be the final authority for zoning districts in the town.

(Ord. No. 5-92, § 3.5, 8-25-92)

### Sec. 34-233. - Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such distance shall be determined by the use of the scale on the zoning map.

(Ord. No. 5-92, § 3.6, 8-25-92)

### Sec. 34-234. - Use requirements for a residence district, RC-1.

Within a residence-conservation RC-1 district, as shown on the zoning map of the town, the following use provisions shall apply:

- (1) Uses permitted. The following uses are permitted in the RC-1 residence-conservation district:
  - a. Detached single dwellings, provided that such dwellings are traditional standard construction, manufactured homes, or manufactured buildings, provided that applications for permits for manufactured buildings must be accompanied by the following documents:
    1. Certificate of origin from the manufacturer of the home with a warranty against defects in materials, workmanship, electrical, plumbing, mechanical, and roofing for one year from the date of the local certificate of occupancy; and
    2. Statement from a state licensed architect, engineer, or building official at the point of origin that each modular section was inspected during stages of construction and is in compliance with the standard building, housing, electrical, plumbing, mechanical (H.A.R.V.), gas, and model energy codes.
  - b. Public parks, used for passive recreation activities.
  - c. Signs in accordance with and as permitted by the sign regulations in article IX of this chapter.

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- d. Noncommercial detached greenhouses, provided the size shall be not more than 15 percent of the living area of the home and that the detached greenhouse shall be in the rear yard and shall be not less than ten feet from any property line.
  - e. One accessory building, not to exceed 200 square feet in area, shall be permitted only in a rear or side yard and shall be not less than ten feet from the property line, provided that such accessory buildings shall be defined as detached utility or storage sheds, and shall specifically not include detached garages, workshops, pole barns, pump houses, carports, screen rooms, open gazebos or boathouses.
  - f. One accessory apartment unit, of the construction types permitted for principal structures in the R-1 zoning classification, not exceeding 600 square feet, which shall be located within the yard setback requirements of this article.
- (2) Application of state statute. The provisions of F.S. ch. 253 and F.A.C. 18-21 and 62-312 shall apply to uses in this district.
  - (3) Shoreline protection zone. The limits of the RC-1 district which parallels Harrison Branch delimits the shoreline protection zone for the natural drainage creek, where activities are limited to those in subsection 34-535(5)b.
  - (4) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

(Ord. No. 5-92, § 3.18, 8-25-92)

Sec. 34-235. - Use requirements for a residence district, R-1.

Within a residence R-1 district, as shown on the zoning map of the town, the following use provisions shall apply:

- (1) Uses permitted. The following uses are permitted in the R-1 residence district:
  - a. Detached single dwellings, provided that such dwellings are site-built traditional standard construction, or manufactured buildings, provided that applications for permits for manufactured buildings must be accompanied by the following documents:
    1. Certificate of origin from the manufacturer of the home with a warranty against defects in materials, workmanship, electrical, plumbing, mechanical and roofing for one year from the date of the local certificate of occupancy; and
    2. Statement from a state licensed architect, engineer or building official at the point of origin that each modular section was inspected during stages of construction and is in compliance with the standard building, housing, electrical, plumbing, mechanical (H.A.R.V.), gas and model energy codes.
  - b. Signs in accordance with and as permitted by the sign regulations of article IX of this chapter.
  - c. Customary home occupations, including limited retail sales, provided that there shall be no outward indication of the occupation, including no signs advertising or announcing the occupation; no noise as a result of any commercial activity; no storage of hazardous material or wastes; no parking or traffic circulation problems.
  - d. Noncommercial detached greenhouses, provided the size shall be not more than 15 percent of the living area of the home and that the detached greenhouse shall be in the rear yard and shall be not less than ten feet from any property line.



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- e. One accessory building, not to exceed 200 square feet in area, shall be permitted only in a rear or side yard and shall be not less than ten feet from the property line, provided that such accessory buildings shall be defined as detached utility or storage sheds, and shall specifically not include detached garages, workshops, pole barns, pump houses, carports, screen rooms, open gazebos or boathouses.
  - f. One accessory apartment unit, of the construction types permitted for principal structures in the R-1 zoning classification, not exceeding 600 square feet, which shall be located within the yard setback requirements of this article.
- (2) Application of state statute. The provisions of F.S. ch. 253 and F.A.C. 18-21 and 62-312 shall apply to uses in this district.
  - (3) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

(Ord. No. 5-92, § 3.19, 8-25-92)

Sec. 34-236. - Use requirements for a residence district, R-1-A.

Within a residence R-1-A district, as shown on the zoning map of the town, the following use provisions shall apply:

- (1) Uses permitted. The uses permitted in the R-1-A residence district are all residential uses permitted in R-1, providing that such residential uses may include as the principal use manufactured homes in R-1-A.
- (2) All principal structures in the Residential 1-A (R-1-A) zoning district shall meet the following minimum development standards:
  - a. Each home shall have a floor area of at least 875 square feet;
  - b. The roof overhang of each home, measured at the soffit and fascia shall be at least six inches.
  - c. Each home shall have a roof pitch of at least 3 inches for every 12 inches;
  - d. The perimeter of the foundation of each home shall be solid and continuous masonry material;
  - e. Homes shall be situated parallel to the street, with the front entrance oriented toward the street;
  - f. There shall be a maximum of one residence per lot.

(Ord. No. 5-92, § 3.20, 8-25-92; Ord. No. 03-01, § 1, 4-24-01)

Sec. 34-237. - Use requirements for a residence district, R-1-B.

- (a) Created. There is hereby created a zoning classification to be know as R-1-B.
- (b) Uses permitted. The following uses are permitted in the R-1-B residence district:
  - (1) The R-1-B district shall allow for all uses provided for in the current zoning classification of R-1, but shall additionally allow for the following use: modular and/or manufactured housing.
  - (2) Any manufactured or modular home would be required to meet the following specific criteria:

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- a. Each home must meet all current standards and requirements of the Southern Standard Building Code and all other applicable codes and standards currently in force within the county and the town;
- b. Each home, before its installation, must have presented to the town zoning officer a certification of compliance with the Southern Standard Building Code and all other applicable codes and standards currently in force within the county and town;
- c. All manufactured or modular homes to be located within the R-1-B zoning classification must have a minimum square footage of heated and cooled floor area of 900 square feet; and
- d. Skirting must be completed in compliance with the applicable section of the town Code prior to the issuance of a certificate of occupancy.

(Ord. No. 96-8, § 3, 12-10-96)

Sec. 34-238. - Use requirements for a residence district, R-2.

Within a residence R-2 district, as shown on the zoning map of the town, the following use provisions shall apply:

- (1) Uses permitted. The following uses are permitted in the R-2 residence district:
  - a. Two-family dwellings including duplexes and semidetached structures.
  - b. Multifamily dwellings.
  - c. Apartment hotels for nontransients.
  - d. Roominghouses and boardinghouses.
  - e. All residential uses permitted in R-1 and R-1A districts.
  - f. All non-residential uses permitted in R-1 and R-1A districts, subject to R-1 and R-1A district use requirements respectively.
- (2) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

(Ord. No. 5-92, § 3.21, 8-25-92; Ord. No. 97-4, § 1, 5-27-97)

Sec. 34-239. - Use requirements for a mobile home park, MHP-1.

The permitted uses shall be for the exclusive use of the mobile home park residents. One detached single-family dwelling may be provided per park to be used exclusively as the residence of the mobile home park owner or manager, including any accompanying mobile home park office use that may be situated in such dwelling.

- (1) Uses permitted. The following uses are permitted in the MHP-1 district:
  - a. The rental or condominium ownership of manufactured homes.
  - b. Park management office.
  - c. Laundry, storage, maintenance and related service facilities.
  - d. One detached single-family dwelling.
  - e. Accessory uses.

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- f. Recreational vehicles provided that the vehicle rents a space for a minimum of six months, and that the vehicle has one full bath (bathing and sanitary facilities.)
- (2) Skirting. All manufactured homes in a mobile home park shall have skirting.
- (3) Water and sewer facilities. All manufactured homes and recreational vehicles must be connected to centralized potable water and sanitary sewer facilities.
- (4) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

(Ord. No. 5-92, § 3.22, 8-25-92)

Sec. 34-240. - Use requirements for a neighborhood commercial district, C-1.

Within a commercial C-1 district, as shown on the zoning map of the town, the following shall apply:

- (1) Uses permitted. The following uses are permitted in the C-1 neighborhood commercial district:
  - a. Retail sales including but not limited to food, beverages, wearing apparel, toys, bait and tackle shops, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras and photographic supplies, sports and hobby supplies and equipment, musical instruments, television and radio equipment, flowers and plants, gifts, drugs, home furnishings, appliances, office equipment, antiques, hardware and farm supplies, auto parts (new and used), pet shops and dog grooming establishments.
  - b. Restaurants with a maximum of 20 percent of the square footage of the licensed facility dedicated to alcohol sales.
  - c. Personal service establishments including but not limited to barbershops, beauty parlors, steam baths, exercise or reducing salons, licensed masseurs and masseuses, watch and clock repair, printing and copying, funeral homes, locksmith, title companies, video rentals.
  - d. Commercial banks, savings and loan, credit units, loan companies and other financial services.
  - e. Professional and business offices, including but not limited to real estate offices, attorneys' offices, architects, engineers.
  - f. Parking lots provided they shall be paved so as to provide a durable and dustless surface and shall be graded and drained so as to dispose of and treat for removal of pollutants all surface water accumulation within the area in accordance with the level of service standards in the town's adopted comprehensive plan and design standards of the town's land development regulations. Lights used to illuminate the parking area will be so arranged so as to reflect away from any adjacent premises. Where a parking lot or driveway thereto adjoins property in a residence district, such parking lot or driveway shall be separated from such property by a buffer as provided for in article V, the landscape and buffer portion of this chapter. (See sections 34-301 through 34-306 for parking space requirements.)
  - g. Newspaper offices, printing establishments.
  - h. Signs in accordance with and as permitted by the sign regulations in article IX of this chapter.
  - i. Clubs, lodges and fraternal organizations.
  - j. Nursery schools, day care centers, or kindergartens, provided the following exist:

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1. There shall be at least 75 square feet of outdoor play area available for each child enrolled;
  2. The entire property must be fenced to protect the children from the possible hazards of adjacent commercial uses;
  3. The property must not be within 500 feet of an existing and operating establishment licensed for the sale of alcoholic beverages;
  4. That, in addition to the parking requirements of sections 34-301 through 34-404, as applicable, the property must provide an off-street area for loading and unloading of children so as to protect them from traffic on any street.
- k. Desirable low impact/high value enterprises, such as:
1. Software development.
  2. Customer service call centers.
  3. Internet service providers.
  4. Technology research and development.
  5. Ecotourist-guided/self-guided: birding, kayaking, canoeing, history.
  6. Marine science center: fisheries management, habitat management.
- l. Laundromat and retail laundry (no dry cleaning on site.)
- (2) Uses permitted by special exception only.
- a. One residential use per property for the business owner or caretaker/watchman, provided:
    1. The residential use must, wherever possible, be placed upon the second or third floor above the commercial use.
    2. Where placement of the residential use above the commercial use is not possible, the residence may be placed on the ground level, provided that each of the following conditions are met:
      - (i) All regulations, including setbacks, lot coverage, etc., for a dwelling in zoning classification R-1-A will apply and be strictly enforced;
      - (ii) The residence must have separate hookups for water and electricity that meet current regulations; and
      - (iii) The septic system must comply with and be approved with current regulations, including setbacks, as determined by the county health department.
  - b. Reserved.
  - c. Mortuaries.
  - d. Boarding house and bed and breakfast.
  - e. Auto and/or boat sales, provided all repair and servicing shall be done within an enclosed building that is enclosed on at least three sides; provided further, that if the building is located within 50 feet of a lot in a residence zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to any alleys and they may be opened only at intervals necessary for ingress or egress.



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- f. Restaurants dedicating more than 20 percent of the square footage of the licensed facility to alcohol sales.
  - g. Motel/hotel.
  - h. Contractors heavy equipment storage yard.
- (3) Reserved.
- (4) Storage yards. All outdoor storage areas containing materials that are not on display for sales purposes must be buffered from view from the public right-of-way.

(Ord. No. 5-92, § 3.23, 8-25-92; Ord. No. 8-93, 5-11-93; Ord. No. 2-95, 8-8-95; Ord. No. 13-98, § 1, 1-26-99; Ord. No. 02-02, § 1, 9-9-02; Ord. No. 01-05, § 1(Att. A), 3-8-05; Ord. No. 02-05, § 1(Att. A), 3-8-05; Ord. No. 01-06, § 1c., 4-11-06; Ord. No. 08-07, § 1(Att. A), 12-11-07; Ord. No. 05-09, § 1, 9-8-09)

Sec. 34-241. - Use requirements for a commercial district, C-2.

Within a commercial C-2 district, as shown on the zoning map of the town, the following use provisions shall apply:

- (1) Uses permitted. The following uses are permitted in the C-2 commercial district:
- a. All uses permitted in a C-1 district subject to C-1 use requirements.
  - b. Signs in accordance with and as permitted by the sign regulations in article IX of this chapter.
  - c. Public garages for retail service only, including automobile repairing, painting, upholstering, body and fender work; welding, wooden fence manufacturing, and stool and chair assembly provided that: these and other operations shall be conducted within a building enclosed on at least three sides; provided further, that if the building is located within 50 feet of a lot in a residence zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to any alleys and they may be opened only at intervals necessary for ingress or egress.
  - d. Furniture upholstering.
  - e. Bait processing.
  - f. Baking establishments, i.e., food products.
  - g. Feed stores.
  - h. Hotels or motels.
  - i. Theaters.
  - j. Drive-in eating establishments where customers may or may not dine within their automobiles.
  - k. Car washes.
  - l. Animal hospitals.
  - m. Seafood cold storage.
  - n. Contractor's heavy equipment storage yards.
  - o. Flea markets and auctions.

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- p. Professional offices or clinics for medical or dental practice.
- q. Full-service or self-service gasoline filling stations, or convenience store which also sells gasoline or propane gas including the retail sale of propane gas from a tank not exceeding 1,000 gallons, provided the service station is located on a principal thoroughfare. A plot to be occupied by a service station shall be not less than 100 feet in width and 150 feet in depth.

Any tube or tire repairing, storage of merchandise and supplies shall be conducted wholly within buildings. No provision of this subsection shall be interpreted to permit general automobile repairing, painting, body and fender work or steam cleaning.

Any structure, such as a grease rack or automobile washing apparatus, gasoline pumps, buildings and underground storage tanks, including principal use signs, shall be set back not less than 25 feet from any property line. Such areas between a property line and any service station facility will be kept free from trash and rubbish and no part therein shall serve as a collection point for waste material.

The means of access or egress shall be provided no less than as stipulated by the state department of transportation's minimum connection spacing standards and not less than 25 feet from any residence district boundary line. Access and egress shall be arranged and designed so as to minimize the interference with the flow of traffic through the intersection.

All lights and lighting on a service station shall be so designed and arranged as not to cause a direct glare into residentially zoned property or roadways. (See section 34-307 regarding lighting regulations.) Providing further, that a buffer be provided in accordance with article V, the landscape and buffer provisions of this chapter.

- r. Impoundment areas, auto and personal property.
  - s. Assembly and sales of small appliances.
  - t. Manufactured housing and recreational vehicle (RV) sales.
  - u. Marina.
  - v. Dry boat storage.
  - w. Package liquor stores.
  - x. Auto and/or boat sales, provided all repair and servicing shall be done within an enclosed building that is enclosed on at least three sides; provided further, that if the building is located within 50 feet of a lot in a residence zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to any alleys and they may be opened only at intervals necessary for ingress or egress.
  - y. The warehousing and sale of building materials and supplies.
- (2) Uses permitted by special exception only.
- a. One residential use per property for the business owner or caretaker/watchman, provided:
    1. The residential use must, wherever possible, be placed upon the second or third floor above the commercial use.
    2. Where placement of the residential use above the commercial use is not possible, the residence may be placed on the ground level, provided that each of the following conditions are met:

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- (i) All regulations, including setbacks, lot coverage, etc., for a dwelling in zoning classification R-1-A will apply and be strictly enforced;
  - (ii) The residence must have separate hookups for water and electricity that meet current regulations; and
  - (iii) The septic system must comply with and be approved with current regulations, including setbacks, as determined by the county health department.
- b. Reserved.
  - c. Mortuaries.
  - d. Boarding house and bed and breakfast.
  - e. Marine aquaculture and production.
  - f. Bars, nightclubs, cocktail lounges, and taverns.
- (3) Reserved.
- (4) Storage yards. All outdoor storage areas containing materials that are not on display for sales purposes must be buffered from view from the public right-of-way.

(Ord. No. 5-92, § 3.24, 8-25-92; Ord. No. 01-05, § 1(Att. A), 3-8-05; Ord. No. 02-05, § 1(Att. A), 3-8-05; Ord. No. 01-06, § 1c., 4-11-06; Ord. No. 08-07, § 1(Att. A), 12-11-07; Ord. No. 05-09, § 1, 9-8-09)

Sec. 34-242. - Use requirements for an industrial district, I.

Within an industrial I district, as shown on the zoning map of the town, the following provisions shall apply:

- (1) Intent. The I district is established to protect existing industries and to provide facilities for future development.
- (2) General use criteria. The principal uses permitted in any I district shall be limited in general to the assembly, packaging or processing of previously prepared goods and materials. Additional permitted uses include the storage of goods and materials; the receiving, sorting and/or distribution of goods and materials; fabricating shops; retail and wholesale activities requiring extensive storage or warehousing; related commercial and service activities; and certain types of manufacturing and processing of raw materials and goods and other uses specifically listed below.
- (3) Uses permitted. The following uses are permitted in the industrial district, I:
  - a. Any industry conforming to subsection 34-242(2) and such provisions of section 34-249 as deemed applicable and subject to the following conditions. Such industry shall be of such a nature that it can be operated so as to not be injurious or offensive or detrimental to the present or intended character of this district or vicinity by reason of the emission of noise, dust, glare, smoke, gas, fire, odors, vibration, toxic or noxious waste materials or fumes.
  - b. Retail propane gas.
  - c. Laundry and dry cleaning plants.
  - d. Electrical repair shops and motor and armature rewinding shops.
  - e. Cold storage and ice plants.
  - f. Trucking and bus terminals.

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- g. Signs in accordance with and as permitted by the sign regulations of article IX of this chapter.
  - h. Metal fabricating plants.
  - i. Radio and television transmission and receiving towers of a commercial nature, provided that all such facilities shall be surrounded by a safety fence of at least eight feet in height; that an accessory building may be provided to house all equipment necessary for the operation of the facility; that the location cannot be utilized as an office for any purpose; and that the developer shall provide a buffer of shrubbery or other greenery between the fencing and the surrounding residential properties in accordance with article V of this chapter.
- (4) Uses permitted by special exception only.
- a. Wholesale baking and food preparation.
  - b. Veterinarians' animal hospitals and kennels.
- (5) Uses prohibited. The following uses are prohibited in the I district.
- a. Residences.
  - b. Places of public assembly.
  - c. Junkyards, salvage yards and scrap storage.

(Ord. No. 5-92, § 3.25, 8-25-92; Ord. No. 08-07, § 1(Att. A), 12-11-07)

Sec. 34-243. - Use requirements for a public-institutional district, PI.

Within a public-institutional PI district, as shown on the zoning map of the town, the following provisions shall apply:

- (1) Intent. The PI district is established to protect existing public buildings and grounds, educational (public and private), institutional and other public uses and to provide sites for future development of public and institutional uses.
- (2) General use criteria. The principal uses permitted in any PI district shall be limited in general to any use which shall serve the overwhelming public interest and which is a function of a government to serve the public to protect the health, safety, morals and general welfare of its citizens.
- (3) Uses permitted. Uses permitted in the PI district are as follows:
  - a. Governmental and quasi-governmental agency offices, public schools, hospitals and nursing homes, chambers of commerce, cemeteries, prisons, public parks and recreational sites and municipally owned utilities.
  - b. Public and private schools offering general education courses.
  - c. Nursery schools, day care centers, or kindergartens, provided at least 75 square feet of outdoor play area is available to each child. No outdoor play equipment nor displays such as nursery rhyme characters or scenes depicting national or religious holidays or the like may be exhibited or located in the front or side yards.
  - d. Hospitals for human care and nursing homes.



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- e. Churches and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than 50 feet from any property line with required off-street spaces separated from property lines by a planted buffer in accordance with article V of this chapter.
- f. Signs in accordance with and as permitted by the sign regulations of article IX of this chapter.
- g. Nonchurch affiliated private institutions that serve the public interest to enhance the health, safety, well being, morals and general welfare of the community.

(Ord. No. 5-92, § 3.26, 8-25-92; Ord. No. 08-07, § 1(Att. A), 12-11-07)

Sec. 34-244. - Use requirements for a park district, P.

Within a park P district, as shown on the zoning map of the town, the following provisions shall apply:

- (1) Intent. The P district is established to protect existing public park sites and to provide sites for future development of public parks.
- (2) General use criteria. The principal uses permitted in any P district shall be limited in general to any public recreational use which shall serve the overwhelming public interest and which is a function of a government to serve the public to protect the health, safety, morals and general welfare of its citizens.
- (3) Uses permitted. Uses permitted in the P district are as follows:
  - a. Publicly-owned parks and recreational facilities.
  - b. Signs in accordance with and as permitted by article IX of this chapter.
- (4) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

(Ord. No. 5-92, § 3.27, 8-25-92)

Sec. 34-245. - Use requirements for a utility district, U.

Within a U district, as shown in the zoning map of the town, the following provisions shall apply:

- (1) Intent. The U district is established to protect existing utility sites and to provide sites for future development of essential utilities to serve the land uses of the town.
- (2) General use criteria. The principal uses permitted in the U district shall be limited to any publicly owned or privately owned water or wastewater treatment facilities, telephone, electrical service lines, transmission and distribution lines, electric substations, and switching stations, equipment and infrastructure, outside equipment storage areas, communication facilities and antenna towers, offices, pole yards, parking and related transportation facilities and structures, telephone service cables and lines, which shall serve the overwhelming public interest and which is a function of a government to serve the public to protect the health, safety, morals, and general welfare of its citizens.
- (3) Uses permitted. Uses permitted in the U district are as follows:
  - a. Electrical service lines, distribution substations;

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- b. Transmission and distribution lines, electric substations and switching stations, equipment and infrastructure, outside equipment storage areas, communication facilities and antenna towers, fueling stations outside flood hazard areas, offices, pole yards, parking and related transportation facilities and structures, telephone service cables and lines, telephone switching facilities, natural gas pipelines, centralized water and wastewater treatment facilities, servicing uses not on the plant site.
  - c. Signs in accordance with and as permitted by article IX of this chapter.
- (4) Uses permitted by special exception only.
- a. All utility uses that are located on waterfront properties.

(Ord. No. 5-92, § 3.28, 8-25-92; Ord. No. 03-04, § 1, 2-10-04; Ord. No. 07-05, § 1, 12-13-05; Ord. No. 08-07, § 1(Att. A), 12-11-07)

Sec. 34-246. - Use requirements for a timber district, T.

Within a timber T district, as shown on the zoning map of the town, the following provisions shall apply:

- (1) Intent. The T district is established to protect existing silviculture activities and to provide sites for future silvicultural activities that serve as a greenbelt to the perimeter of the town and help to conserve soil and water resources in the town.
- (2) General use criteria. The principal uses permitted in any T district shall be limited in general to any silviculture practices limited to the planting, cultivation and harvesting of trees.
- (3) Uses permitted. Uses permitted in the T district are as follows:
  - a. Commercial "tree farms" in the activity of growing wood for the wood and wood pulp products.
  - b. Equipment sheds for storage of machinery used in cultivation and harvesting, and fire towers, however equipment sheds shall not be used for maintenance or repair of cultivation equipment.
  - c. Signs in accordance with and as permitted by article IX of this chapter.
- (4) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

(Ord. No. 5-92, § 3.29, 8-25-92)

Sec. 34-247. - Area, yard, height and size requirements.

The area, yard, height and size requirements shall be as follows:

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| District | Primary Use                      | Minimum Lot Area <sup>6</sup> | Minimum Property Frontage (Feet) | Minimum Front Yard <sup>7</sup> (Feet) | Minimum Side Yard <sup>7,8, 10</sup> (Feet) | Minimum Rear Yard <sup>7,8</sup> (Feet) | Maximum Height (Feet) | Minimum Building Size (Square Feet) <sup>3</sup> | Maximum Net Density <sup>1</sup> |
|----------|----------------------------------|-------------------------------|----------------------------------|--|---|---|-----------------------|--|----------------------------------|
| RC-1     | Single-family passive recreation | Five acres                    | 325                              | 30                                     | 15  | 30                                      | 45                    | 900  | One unit/five acres              |
| R-1      | Single-family                    | One acre                      | 150                              | 30                                     | 15  | 30                                      | 45                    | 900  | One unit/acre                    |
| R-1-A    | Single-family                    | One acre                      | 150                              | 30                                     | 15  | 30                                      | 45                    | 900  | One unit/acre                    |
| R-2      | Single-family                    | One acre                      | 150                              | 30                                     | 15 <sup>2</sup>                             | 30                                      | 45                    | 600  | Five units/acre                  |
|          | Two-family                       | One acre                      | 150                              | 30                                     | 15  | 30                                      | 45                    | 600  | Five units/acre                  |
|          | Multifamily                      | One acre                      | 150                              | 30                                     | 15  | 30                                      | 45                    | 600  | Five units/acre                  |
| MHP-1    | Mobile home park                 | Five acres                    | 325                              | 30                                     | 15  | 30                                      | 45                    | 600  | Five units/acre                  |
| C-1      | Neighborhood commercial          | One-half acre                 | 125                              | 30 arterial roads                      | 15 <sup>9</sup>                             | None <sup>4,9</sup>                     | None <sup>5</sup>     | None   | 0.23 F.A.R.<br>0.25 I.S.R.       |
| C-1-A    | Neighborhood commercial          | One-half acre                 | 125                              | 30 <sup>4</sup> arterial roads         | 15 <sup>9</sup>                             | None <sup>4,9</sup>                     | 45                    | None   | 0.60 F.A.R.<br>0.70 I.S.R.       |
| C-2      | Commercial                       | One-half acre                 | 125                              | 30 arterial roads                      | 15 <sup>9</sup>                             | None <sup>4</sup>                       | None                  | None   | 0.23 F.A.R.<br>0.25 I.S.R.       |

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| District | Primary Use   | Minimum Lot Area <sup>6</sup>            | Minimum Property Frontage (Feet) | Minimum Front Yard <sup>7</sup> (Feet) | Minimum Side Yard <sup>7,8, 10</sup> (Feet) | Minimum Rear Yard <sup>7,8</sup> (Feet) | Maximum Height (Feet) | Minimum Building Size (Square Feet) <sup>3</sup> | Maximum Net Density <sup>1</sup> |
|----------|---|--|----------------------------------|--|---|---|-----------------------|--|----------------------------------|
| C-2-A    | Commercial  | One-half acre                            | 125                              | 30 <sup>4</sup> arterial roads         | 15 <sup>9</sup>                             | None <sup>4</sup>                       | 45                    | None   | 0.60 F.A.R.<br>0.70 I.S.R.       |
| I        | Industrial  | One acre                                 | 125                              | None <sup>4</sup>                      | 15  | None <sup>4</sup>                       | None <sup>5</sup>     | None   | 0.23 F.A.R.                      |
| I-2      | Planned industrial  | Ind. park- 3 acres<br>Single lot- 1 acre | 125                              | 30 <sup>4</sup>                        | 15 <sup>10</sup>                            | None <sup>4</sup>                       | 45                    | None   | 0.60 F.A.R.<br>0.70 I.S.R.       |
| U        | Utility   | One acre                                 | 125                              | None <sup>4</sup>                      | 15  | None <sup>4</sup>                       | None <sup>5</sup>     | None   | 0.23 F.A.R.                      |
| T        | Timber  | 20 acres                                 | 500                              | None <sup>4</sup>                      | 15  | None <sup>4</sup>                       | None <sup>5</sup>     | None   | 0.23 F.A.R.                      |
| P        | Parks   | One acre                                 | 150                              | None <sup>4</sup>                      | None  | None <sup>4</sup>                       | None <sup>5</sup>     | None   | 0.23 F.A.R.                      |
| P1       | Public buildings and grounds, education, other public [institutional] | One acre                                 | 150                              | None <sup>4</sup>                      | 15  | None <sup>4</sup>                       | None <sup>5</sup>     | None   | None                             |

Notes on Section 34-247, Area, Yard, Height and Size Requirements

- <sup>1</sup> Expressed as units per acre, impervious surface ratio (I.S.R.) or floor area ratio (F.A.R.).
- <sup>2</sup> Minimum side yard shall be 30 feet where a single side yard is used for zero lot line development.
- <sup>3</sup> Minimum living area per residential dwelling unit.



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- <sup>4</sup> All requirements relative to minimum front, side, and rear yards shall be the same as required in the residential district to which the front, side, and rear property in a C-1, C-1-A, C-2, C-2-A, T, U, P1, I-2, or I district adjoins or lies directly across a street or alley from; no front, side or rear yards shall be required on a side of such property adjacent to a nonresidential district. (See subsection 34-354(4))
- <sup>5</sup> All buildings in excess of 45 feet shall receive the written approval of the chief of the town fire department. Within 150 feet of any residential district no building shall exceed the maximum height requirements of that residential district.
- <sup>6</sup> Any lot of record existing at the time of the adoption of the ordinance from which this chapter is derived shall be deemed to be of sufficient size to remain as a building lot, regardless of whether one owner owns adjoining lots or not.
- <sup>7</sup> On pre-existing nonconforming lots of record, the minimum side yard setback shall be ten percent of the width of the actual width of the lot, provided that the minimum yard setback shall be seven feet, provided that, on lots with nonparallel sides that fall in this category, the setback shall be determined based upon the average width of the lot in the area of the proposed construction.
- <sup>8</sup> The minimum setback for permissible accessory buildings in rear and side yards shall be no less than ten feet.
- <sup>9</sup> Yard dimensions shall be maintained for movable items for sale, rent or lease in commercial districts (e.g., auto, recreational vehicle, and manufactured housing sales).
- <sup>10</sup> For new homes being built outside "A" flood zones, as mapped on the FEMA flood insurance rate maps, finished floor elevations will be required to be at least 12 inches above the elevation of the crown of the adjacent roadway at the time of permitting. Properties within the "A" flood zones, as mapped will continue to be permitted under the provisions of article VII, flood damage prevention.
- <sup>11</sup> Minimum side yard setback distances from the interior lot lines within planned industrial subdivisions (industrial parks) shall be established on the approved conceptual site plan. (Ord. No. 5-92, § 3.30, 8-25-92; Ord. No. 5-94, 3-29-94; Ord. No. 4-95, 8-8-95; Ord. No. 04-00, § 2, 1-25-00; Ord. No. 04-05, § 1(Att. A), 4-12-05; Ord. No. 02-10, § 1(Att. A), 3-11-10)

### Sec. 34-248. - Planned shopping centers.

In the case of a planned shopping center development, where it is impracticable to apply the requirements of this article to the individual buildings, upon the advice and written findings of the planning commission in a preliminary development order, the commission may apply such requirements in such a manner that the development further the implementation of desirable design principles and development patterns in accordance with the design requirements of this chapter and the adopted comprehensive plan, subject to the following provisions:

- (1) Application for development. The application to the planning commission seeking a preliminary development order for the above must be accompanied by an overall development plan showing the locations of the proposed structures, parking spaces, on-site traffic circulation, pedestrian ways, protected trees and planted areas, stormwater management system, potable water system, sanitary sewer system, solid waste storage, adjacent residential areas, and other open spaces with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this article.

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- (2) Design and control of the shopping center. The shopping center must be designed as a unit of limited size and controlled by more restrictive area regulations than ordinarily would result from reclassification of the area to a commercial district, C-1 classification.
- (3) Permitted uses. The permitted uses shall be the same as those for a commercial district, C-1.
- (4) Effect on adjacent areas. The development shall not adversely effect abutting areas through the emission of noise, odor, dust, glare or fumes, or through uncontrolled surface drainage, and shall be required to buffer neighboring uses from such nuisances.

(Ord. No. 5-92, § 3.36, 8-25-92)

Sec. 34-249. - Use requirements for a planned industrial district I-2.

Planned industrial districts may be approved by amendment to this article and the comprehensive plan. Conceptual site plans must be submitted at the time of zoning application and are subject to the approval of the town commission. Planned industrial district plans must provide that abutting residential properties will be protected from drainage of surface water, noise, odor, glare, dust, and fumes or other objectionable conditions; that provision is made for adequate vehicular and pedestrian access and circulation so as not to present problems of safety on the site or unduly impede normal traffic movement on adjacent streets; that requirements for parking as provided in this article are met. Further, no building, or structure within 50 feet of any lot line of a lot located in a residence district shall be used in connection with the operations of any establishment. Off-street parking and off-street loading space may be located within this setback area in accordance with regulations on parking in this article, except for parcels which meet the streetscape requirement of section 34-277. Buffering requirements listed in section 34-354 shall provide specific requirements for protection of residential areas.

Within a planned industrial I-2 district, as shown on the town zoning map, the following provisions shall apply:

- (1) Intent. The I-2 district is established to provide opportunities for the future development of industrial subdivisions and business parks. The I-2 district shall also allow for single lot development that meets the requirements as set forth herein: Planned industrial projects are required to implement of energy reduction strategies, including, but not be limited to: Energy-efficient appliances; energy-efficient windows, doors, and skylights; low solar-absorption roofs, also known as "cool roofs"; enhanced ceiling and wall insulation; reduced-leak duct systems; programmable thermostats; and energy-efficient lighting systems.
- (2) General use criteria. The principal uses permitted in any I-2 district shall be limited, in general, to the uses permitted in the I district and, in addition, planned industrial parks may contain a mix of compatible heavy commercial, (non-retail) uses if oriented to meet the objectives listed above in a master planned setting.
- (3) Uses permitted. The following uses are permitted in the planned industrial district, I-2:
  - a. All uses permitted in an I district subject to I use requirements.
  - b. Heavy commercial (non-retail) uses.
- (2) Uses permitted by special exception only. All uses permitted by special exception in a I district subject to I use requirements.
- (3) Uses prohibited. All uses prohibited in the I district.
- (4) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.

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- (5) Storage yards. All outdoor storage areas containing materials that are not on display for sales purposes must be buffered from view from residential districts.

(Ord. No. 5-92, § 3.37, 8-25-92; Ord. No. 02-10, § 1(Att. A), 3-11-10)

**Editor's note**— Ord. No. 02-10, § 1(Att. A), adopted Mar. 11, 2010, changed the title of § 34-249 from "Planned industrial districts" to "Use requirements for a planned industrial district I-2." This historical notation has been preserved for reference purposes.

Sec. 34-250. - Use requirements for a highway commercial district, C-1-A.

Within a commercial C-1-A district, as shown on the zoning map of the town, the following shall apply:

- (1) Uses permitted. The following uses are permitted in the C-1-A neighborhood commercial district: All uses permitted in a C-1 district subject to C-1 use requirements.
- (2) Uses permitted by special exception only. All uses permitted by special exception in a C-1 district subject to C-1 use requirements.
- (3) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.
- (4) Storage yards. All outdoor storage areas containing materials that are not on display for sales purposes must be buffered from view from the public right-of-way.

(Ord. No. 02-10, § 1(Att. A), 3-11-10)

**Editor's note**— Ord. No. 02-10, §§ 1, 2(Att. A), adopted Mar. 11, 2010, set out provisions intended for use as §§ 34-251 and 34-252. For purposes of maintaining sequential numbering, and at the editor's discretion, these provisions have been included as §§ 34-250 and 34-251.

Sec. 34-251. - Use requirements for a highway commercial district, C-2-A.

Within a commercial C-2-A district, as shown on the zoning map of the town, the following use provisions shall apply:

- (1) Uses permitted. The following uses are permitted in the C-2-A commercial district: All uses permitted in a C-2 district subject to C-2 use requirements.
- (2) Uses permitted by special exception only. All uses permitted by special exception in a C-2 district subject to C-2 use requirements.
- (3) Off-street parking. Off-street parking spaces shall be in accordance with sections 34-301 through 34-304 as applicable.
- (4) Storage yards. All outdoor storage areas containing materials that are not on display for sales purposes must be buffered from view from the public right-of-way.

(Ord. No. 02-10, § 1(Att. A), 3-11-10)

**Editor's note**— See § 34-250 note.

Sec. 34-252. - Use requirements for a mixed use development district, MXD.

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Within a mixed use development district, the following provisions shall apply:

- (1) Intent. The purpose of this district is to permit planned developments, which are intended to:
  - a. Encourage the planned mixed use development of land;
  - b. Encourage flexible and creative concepts of site planning;
  - c. Preserve the natural amenities of the land by encouraging scenic and functional open areas;
  - d. Accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations;
  - e. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
  - f. Provide a stable environmental character compatible with surrounding areas.
- (2) General use criteria. The principal uses in an MXD district will generally adhere to the development standards for the R-2 and C-1-A districts. Density and intensity shall be limited to floor area ratio of 0.60 and impervious surface area ratio of 0.70 with residential density no greater than five dwelling units per acre. Minimum lot size for a mixed use development is 0.5 acre. Setback requirements may be relaxed based on specific findings of the town commission. Buffering requirements related to surrounding properties shall be maintained at C-1-A standards. All structures within a MXD are required to comply with the town's architectural design standards.
- (3) Uses permitted. The following uses are permitted in the MXD district in intensities and arrangements subject to findings determining internal and external compatibility:
  - a. Residential dwellings including conventional single-family dwellings, duplex dwellings, and multiple family dwellings.
  - b. Retail sales, including, but not limited to, food, beverages, wearing apparel, toys, bait and tackle shops, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras and photographic supplies, sports and hobby supplies and equipment, musical instruments, television and radio equipment, flowers and plants, gifts, drugs, home furnishings, appliances, office equipment, antiques, hardware and farm supplies, auto parts (new and used), pet shops and dog grooming establishments.
  - c. Restaurants with a maximum of 20 percent of the square footage of the licensed facility dedicated to alcohol sales.
  - d. Personal service establishments, including, but not limited to, barbershops, beauty parlors, steam baths, exercise or reducing salons, licensed masseurs and masseuses, watch and clock repair, printing and copying, funeral homes, locksmith, title companies, video rentals.
  - e. Commercial banks, savings and loan, credit units, loan companies and other financial services.
  - f. Professional and business offices, including, but not limited to, real estate offices, attorneys' offices, architects, engineers.



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- g. Parking lots, provided they shall be paved so as to provide a durable and dustless surface and shall be graded and drained so as to dispose of and treat for removal of pollutants all surface water accumulation within the area in accordance with the level of service standards in the town's adopted comprehensive plan and design standards of the town's land development regulations. Lights used to illuminate the parking area will be so arranged so as to reflect away from any adjacent premises. Where a parking lot or driveway thereto adjoins property in a residence district, such parking lot or driveway shall be separated from such property by a buffer as provided for in article V, the landscape and buffer portion of this chapter. (See sections 34-301 through 34-306 for parking space requirements.)
- h. Newspaper offices, printing establishments.
- i. Signs in accordance with and as permitted by the sign regulations in article IX of this chapter.
- j. Clubs, lodges and fraternal organizations.
- k. Nursery schools, day care centers, or kindergartens, provided the following exist:
  - 1. There shall be at least 75 square feet of outdoor play area available for each child enrolled;
  - 2. The entire property must be fenced to protect the children from the possible hazards of adjacent commercial uses;
  - 3. The property must not be within 500 feet of an existing and operating establishment licensed for the sale of alcoholic beverages;
  - 4. That, in addition to the parking requirements of sections 34-301 through 34-404, as applicable, the property must provide an off-street area for loading and unloading of children so as to protect them from traffic on any street.
- l. Desirable low impact/high value enterprises, such as:
  - 1. Software development.
  - 2. Customer service call centers.
  - 3. Internet service providers.
  - 4. Technology research and development.
  - 5. Ecotourist-guided/self-guided: birding, kayaking, canoeing, history.
  - 6. Marine science center: fisheries management, habitat management.
- m. Laundromat and retail laundry (no dry cleaning on site).
- n. Boarding house and bed and breakfast.
- o. Auto and/or boat sales, provided all repair and servicing shall be done within an enclosed building that is enclosed on at least three sides; provided further, that if the building is located within 50 feet of a lot in a residence zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to any alleys and they may be opened only at intervals necessary for ingress or egress.
- p. Restaurants/bars, including those dedicating more than 20 percent of the square footage of the licensed facility to alcohol sales.
- q. Motel/hotel.
- r. Golf courses, country clubs, and racquet and tennis clubs.

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- s. Public buildings and facilities (including churches and schools).
- (4) Storage yards. All outdoor storage areas containing materials that are not on display for sales purposes must be buffered from view from the public right-of-way.
- (5) Procedure for approval of a mixed use development. The procedure for obtaining a change in zoning for the purpose of undertaking a mixed use development shall be as follows:
- a. Mixed use development zoning and preliminary mixed use development plan approval. Following a preapplication conference that meets the requirements of subsection 34-35(a), the applicant shall submit to the land use officer, nine copies of a request for change to a mixed use development (MXD) zoning district that complies with the data requirements of subsection 34-40(d) for submission of a preliminary development plan. And in addition, submission of the following information:
1. A statement of objectives describing:
    - i. The general purpose of the proposed development; and
    - ii. The general character of the proposed development.
  2. A vicinity map showing the location of the proposed mixed use development in relation to:
    - i. Surrounding streets and thoroughfares;
    - ii. Existing zoning on the site and surrounding areas; and
    - iii. Existing land use on the site and surrounding areas.

The vicinity map shall be drawn at a scale to show an area of no less than 1,000 feet surrounding the property. A greater area may be required if the planning commission determines information relating a larger vicinity is needed.
  3. A table showing acreage for each category of land use.
  4. A statement concerning gross density and net residential acreage.
  5. A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the total impervious surface area coverage expressed as a percent of the total site area.
  6. A preliminary mixed use development plan drawn at a scale suitable for presentation showing:
    - i. Proposed land uses;
    - ii. Lot sizes indicated either by lot lines drawn in their proposed location or a statement on the face of the preliminary development plan concerning proposed lot sizes, including minimum lot sizes; and
    - iii. Building setbacks defining the distance buildings will be set back from:
      - A. Surrounding property lines;
      - B. Proposed and existing streets;
      - C. Other proposed buildings;
      - D. The center line of streams and creeks;
      - E. The high water line of water bodies; and

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- F. Other manmade or natural features which would be affected by building encroachment.
  - iv. Maximum height of buildings;
  - v. Common open spaces;
  - vi. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.
- b. Processing the mixed use development zoning application and preliminary mixed use development plan submittals. When the land use officer has received the application and submittals, and is satisfied that the application and submittals are complete, the application shall be processed as follows and in accordance with the provisions of these land development regulations. In addition, the land use officer is encouraged to assemble comments from town development review committee for inclusion in the planning commission proceedings.
- 1. The planning commission shall hold a public hearing on the request for a zoning map amendment including the preliminary MXD plan and make recommendations to the town commission.
  - 2. The town commission's action upon an ordinance shall be one of the following:
    - i. Approval as submitted.
    - ii. Conditional approval related to plan characteristics.
    - iii. Disapproval.
- c. Final mixed use development plan. If the preliminary mixed use development plan is approved, the applicant shall submit a final mixed use development plan covering all conditions of approval for preliminary mixed use development plan within 12 months to the land use officer. Thirty days prior to any lapse date, the land use officer shall notify the town commission and the applicant of such date. Such notice to the applicant shall be mailed via certified mail, return receipt requested. If a final mixed use development plan is not submitted within this 12-month period or an additional 12-month period granted by the town commission, the land use officer shall require a new development plan to be submitted and approved through the MXD review process. The town commission may extend this lapse date for a period not to exceed an additional 12 months, provided the request for extension is made in writing to the land use officer by the applicant prior to the expiration of the initial approval period.
- d. The final mixed use development plan shall include the requirements of subsection 34-40(e) for a final development plan. And in addition:
- 1. An approved and recorded final plat or condominium association recordation if any lands are to be sold within the development.
  - 2. Location and size and maintenance agreements of common open spaces and public or semi-public areas.
  - 3. The proposed location of central sewer connection facilities and commitment to connect to a central sewer system when available.
  - 4. A landscaping plan showing:
    - i. Landscaped areas;

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- ii. Location, height, and material for walks, fences, walkways, and other manmade landscape features; and
  - iii. Area of land devoted to landscaping and/or common open space usable for recreation purposes expressed as a percent of the total site area; and any special landscape features such as, but not limited to, manmade lakes, land sculpture, and drainage ways.
5. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities and drainage. All legal documents, including homeowners' associations and deed restrictions, if required by the town commission, may be reviewed by the town attorney before final approval of the plan in which case the town shall extend legal review fees to the applicant.
- (6) Streamlining the development review process. If a final mixed use development plan is submitted, within two years of town commission approval, as an application for development order review under section 34-35 the project is exempted from concept review subsection 34-35(b), and preliminary development plan review subsection 34-35(c) and may proceed directly to final development plan review subsection 34-35(d), but is required to participate in a preapplication conference subsection 34-35(a).
  - (7) Issuance of building permits. No building permit shall be issued for any portion of a proposed mixed use development until the final mixed use development plan has been approved and a final development order issued.
  - (8) Revision of a mixed use development. A proposed substantial change in the approved preliminary or final mixed use development plan which affects the intent and character of the development, the density or land use patterns, proposed buffers, the location or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the planning commission and the town commission in the same manner as the initial application. A request for a revision of the preliminary mixed use development plan shall be supported by a written statement and by revised plans demonstrating the reasons the revisions are necessary or desirable. All revisions to the approved preliminary mixed use development plan shall only be approved if they are consistent with the original purpose, intent, overall design, and integrity of the approved mixed use development plan.

Minor changes, and/or deviations from the mixed use development plan which do not affect the intent or character of the development shall be reviewed by the land use officer and shall be approved administratively only if they are consistent with the original purpose, intent and overall design and integrity of the approved preliminary MXD plan. Upon approval of the revision, the applicant shall make revisions to the plans and submittals and file the revised plans with the land use officer within 30 days.

Examples of substantial changes:

- a. Perimeter changes.
- b. Major street relocation.
- c. Change in architectural style, density, land use patterns, or buffers.

Examples of minor changes:

- a. Change in alignment, location, or length of minor streets or parking facilities.



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- b. Adjustments or shifts in dwelling unit mixes, not resulting in increased entitlements.
  - c. Reorientation or slight shifts in building locations.
- (9) Mixed use development time limitations. If substantial development or development permit activity, as determined by the land use officer, has not begun within two years after approval of the final development plan, the approval of the mixed use development plan will lapse. Thirty days prior to any lapse date, the land use officer shall notify the town commission and the applicant of such date. Such notice to the applicant shall be mailed via certified mail, return receipt requested. The town commission may extend the period for beginning development activity, at the request of the applicant for a period not to exceed an additional two years, provided the request for extension is made in writing to the land use officer prior to the expiration of the initial approval period. If the mixed use development plan lapses under this provision, the land use officer shall rescind approval the final mixed use development plan. Subsequently, any developer of the property must resubmit a proposed mixed use development plan for planning commission recommendation and town commission approval.
- (10) Deviation from the final development plan. Any unapproved deviation from the accepted final mixed use development plan shall constitute a breach of agreement between the applicant and the town commission. Such deviation may cause the town to immediately revoke the final mixed use development plan until such time as the deviations are corrected or become a part of the accepted final development plan.
- (11) Development standards for mixed use developments.
- a. Conformance with the comprehensive plan. Densities for mixed use developments shall be based upon and be consistent with the comprehensive plan. No final development plan may be approved unless it is in conformance with the comprehensive plan.
  - b. Relationship to zoning district. An approved mixed use development is a separate zoning district in which the final MXD plan, as approved, establishes the restrictions and regulations according to which the development shall occur. Upon approval, the official zoning map shall be changed to indicate the area as a mixed use development (MXD).
  - c. Residential density and housing types. Any combination of residential density and housing types is permitted for a mixed use development, as long as the overall gross density does not exceed the prescribed total number of dwelling units of the comprehensive plan land use classification. All structures within a MXD are required to comply with the town's architectural design standards.
  - d. Dimensional and bulk restriction. The location of all proposed building sites shall be shown on the final MXD plan subject to minimum lot sizes, setback lines, lot coverage and floor area specified by the mixed use development plan as approved by the town commission.
  - e. Internal compatibility. All land uses proposed within a mixed use development shall be compatible with other proposed uses; that is, uses shall be able to coexist in relative proximity to other uses in a stable fashion over time such that no other uses are unduly, negatively impacted, directly or indirectly by such uses. Residential and commercial uses within the same building shall have clearly separated floor plans.
  - f. An evaluation of the internal compatibility and internal connectivity of a mixed use development shall be based on the following factors:
    - 1. The location and arrangement of common open spaces and recreational areas;
    - 2. The use of existing and proposed landscaping;

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3. The treatment and connectivity of pedestrian ways;
  4. The contextual use of topography, physical environment, and other natural features;
  5. The traffic and pedestrian circulation pattern;
  6. The use and variety of building setback lines, separations and buffering;
  7. The use and variety of building groupings;
  8. The use and variety of building sizes;
  9. The separation and buffering of parking areas and sections of parking area;
  10. The variety and design of dwelling types;
  11. The proposed land uses and the conditions and limitations thereon;
  12. The form of ownership proposed for various uses; and
  13. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any proposed use within the mixed use development.
- g. External compatibility. All land uses proposed within a mixed use development shall be compatible with existing uses of properties surrounding the mixed use development; that is, internal uses shall be able to coexist in relative proximity to existing surrounding uses in a stable fashion over time such that neither internal nor surrounding uses are unduly, negatively impacted, directly or indirectly by such uses. An evaluation of the external compatibility of a mixed use development should be based on the following factors:
1. All of these factors listed in this section, with particular attention to those areas of the mixed use development located on or near its perimeter;
  2. The uses proposed near the mixed use development perimeter and the conditions and limitations thereon;
  3. The type, number, and location of surrounding external uses;
  4. The comprehensive plan designation and zoning on surrounding lands; and
  5. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of lands surrounding the mixed use development and any existing use of such lands.
- h. Intensity of development. The residential density and intensity of use of a mixed use development may be incorporated at the gross density of the property if the commercial and residential uses are incorporated together within common building footprint or building grouping with internal, pedestrian connectivity. Connectivity of residential and commercial components can be established through common landscaped open space such as a community plaza. Where residential and commercial use areas are clearly separated in the mixed use development plan, residential density shall be limited to the net residential density of the residential portion of the project. All combined commercial and residential development shall be limited by maximum floor area ratio and impervious surface area ratios.

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- i. Open space. Where residential density is calculated at net density, at least ten percent of the area covered by a final development plan shall be usable, open space. Where residential density is calculated at gross density (total acreage of the project) the open space requirement shall be 15 percent of the final development plan. Open space areas shall be owned, operated and maintained by the applicant or dedicated to a homeowner association or similar group.

In establishing the arrangement of residential density or amount of open space, the town commission may increase the required amount of screening or buffering in specific areas to ensure compatibility with adjacent neighborhoods in order to carry out the intent and purpose set forth in this section. Not more than one-half of the total open space area may be in a buffer area, retention pond and/or water bodies. Fenced retention/detention ponds do not count as open space.

- j. Special provisions. The location of any structure (except permitted docks, walkways and piers) shall be set back a minimum of 30 feet from wetlands.

The location of any structure (except permitted docks, walkways and piers) shall be set back a minimum of 30 feet from perennial streams and creeks.

1. Access and parking. All streets, thoroughfares, and accessways shall be designed to relate to the traffic circulation plans of the area. Adequate off-street parking and parking related landscaping shall meet the requirements specified for the uses found in these land development regulations.
2. External transportation access. A mixed use development shall provide direct, primary access to, US Hwy 19 or SR 40. Secondary access and multi-modal access may be provided to local streets where it is found to be compatible and it will not adversely affect the traffic on adjoining local streets.
3. Internal transportation access. Every dwelling unit or other use permitted in a mixed use development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Private roads shall be constructed according to town specifications as found in division 3 of article III, subdivisions. If the mixed use development contains private roads, such private roads shall be owned and maintained by the applicant/developer or dedicated to a homeowners' association or similar group.
4. Perimeter requirements. Structures, buildings and streets located at the perimeter of the development shall be separated by a landscaped buffer corresponding to C-1-A standards.
5. Control of area following completion. After completion of a mixed use development, the use of the land and/or modification or alteration of any buildings or structures within the area covered by the final development plan shall continue to be regulated in accordance with the approved final development plan except as otherwise provided for herein.

(Ord. No. 02-14, Att. A, 2-10-14)

Secs. 34-253—34-270. - Reserved.

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### DIVISION 4. - ACCESSORY USES AND DIMENSIONAL REQUIREMENTS

#### Sec. 34-271. - Uses generally.

Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, nor shall any final development order or development permit be issued if a proposed use is not in conformity with these regulations.

(Ord. No. 5-92, § 3.7, 8-25-92)

#### Sec. 34-272. - Height and density.

No building or other structure shall hereafter be erected or altered to:

- (1) Exceed the height limits;
- (2) Accommodate or house a greater number of families or occupy a smaller lot area per family;
- (3) Occupy a greater percentage of lot area;
- (4) Have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required, or in any other manner contrary to the provisions of this article, except for planned zero lot line, or clustered buildings with an amount of communal open space equivalent to the sum of yard space if the minimum yard requirements were met for each individual building or structure.

(Ord. No. 5-92, § 3.8, 8-25-92)

#### Sec. 34-273. - Yard service to one building.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this article shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building, except where communal yard or open space is used as specified for zero-lot line or clustered dwellings as specified in section 34-272.

(Ord. No. 5-92, § 3.9, 8-25-92)

#### Sec. 34-274. - Only one principal building.

Every building or structure hereafter erected shall be located on a lot or tract as defined herein. In no case shall there be more than one principal building on one lot, plus its accessory building(s), on any residential lot.

(Ord. No. 5-92, § 3.10, 8-25-92)

#### Sec. 34-275. - Reduction of lot area.

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced so that the lot width or depth, front, side or rear yard, lot area per family or other requirements of this article are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.



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(Ord. No. 5-92, § 3.11, 8-25-92)

Sec. 34-276. - Curb cuts.

Curb cuts shall be of the minimum necessary to provide safe ingress and egress from a lot and located as far from intersections as possible. Curb cuts onto U.S 19/98-S.R. 55 shall be spaced according to F.A.C. 14-96 and 14-97. For curb cuts not regulated by F.A.C. 14-96 and 14-97, the following standards shall be applied:

| Use         | Driveway Width<br>One-Way<br>(min./max.) | Driveway Width<br>Two-Way<br>(min./max.) | Driveway Radius<br>(min./max.) |
|-------------|--|--|--------------------------------|
| Residential | 10'/14'                                  | 18'/22'                                  | 5'/10'                         |
| Commercial  | 12'/18'                                  | 24'/30'                                  | 25'/45'                        |
| All others  | 14'/18'                                  | 24'/36'                                  | 30'/55'                        |

(Ord. No. 5-92, § 3.12, 8-25-92)

Sec. 34-277. - Streetscape in commercial and industrial zones.

In C-1, C-2, and I districts that abut U.S. 19/98-S.R.55 north of C.R. 40, and on the north side of C.R. 40 between Michigan Drive and Hammock Road shall have buildings located in such a way as to provide a streetscape that specifically is a progression from the highway right-of-way as follows:

- (1) The first ten-foot depth of the parcel from side lot line to side lot line shall be used for stormwater runoff.
- (2) The second 40-foot depth of the parcel parallel to the stormwater runoff area, from side lot line to side lot line, shall be constructed as a frontage road with traffic in two directions and a parallel parking lane for each direction of the road.
- (3) The third five-foot depth of the parcel parallel to the frontage road from side lot line to side lot line shall be a parkway of sodded grass and shade trees planted in a line at 35-foot intervals along the length of the parkway from side lot line to side lot line. The side of the parkway abutting the frontage road shall include a curb and gutter to direct stormwater runoff to treatment areas.
- (4) The fourth five-foot depth of the parcel parallel to the treed parkway from side lot line to side lot line shall be a sidewalk.
- (5) Abutting the sidewalk shall be the front facade of the building on the parcel.
- (6) A minimum setback of 30 feet from the right-of-way shall be maintained on any arterial road in order to provide for consideration of a future frontage road under the provisions of F.S. ch. 337.

(Ord. No. 5-92, § 3.13, 8-25-92; Ord. No. 04-00, § 1, 1-25-00)

Sec. 34-278. - Continuance of a nonconforming use or structure.

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- (a) Nonconforming uses. Any use of land existing at the time of the enactment or subsequent amendment of this article, but not in conformity with its use regulations and provisions, or uses depicted on the future land use map of the adopted comprehensive plan may be continued with the following limitations. They shall not be:
- (1) Changed to another nonconforming use.
  - (2) Extended or enlarged, except in conformity with this article. Residential nonconforming uses may be expanded or enlarged to add no more than 50 percent of their assessed value, per Levy County tax records, without also bringing the structure and use into conformance with all other provisions of this article.
  - (3) Reestablished after discontinuance of one year.
  - (4) Rebuilt, altered, or repaired after damage exceeding 50 percent of the assessed value, per Levy County tax records, of the building or structure immediately prior to damage, or replacement with another nonconforming building of a similar nature.
- (b) Nonconforming structures. Nonconforming structures may only be enlarged or expanded to add no more than 50 percent of their assessed value, per Levy County tax records, without also bringing the structure into conformance with all other provisions of this article.
- (1) Any expansion or enlargement of a nonconforming structure, regardless of size, shall not be done in a manner as to increase the degree of nonconformance.
  - (2) Nonconforming structures shall not be rebuilt, altered, or repaired after damage exceeding 50 percent of the assessed value, per Levy County tax records, of the building or structure immediately prior to damage without also bringing the structure into conformance with all other provisions of this article.

(Ord. No. 5-92, § 3.14.1, 8-25-92; Ord. No. 03-02, § 2, 9-9-02; Ord. No. 02-03, § 1, 2-11-03; Ord. No. 07-11, § 1, 10-11-11)

### Sec. 34-279. - Discontinuance of a nonconforming use.

All nonconforming uses of land shall be discontinued or otherwise made to conform with the use provisions of this article.

(Ord. No. 5-92, § 3.14.2, 8-25-92; Ord. No. 03-02, § 2, 9-9-02; Ord. No. 02-03, § 1, 2-11-03; Ord. No. 07-11, § 1, 10-11-11)

### Sec. 34-280. - Existing lots.

Where the owner of a plot of land consisting of one or more adjacent lots of record at the time of enactment of this article or his successor in title thereto does not own sufficient land to enable him to meet minimum lot size requirements of this article, such plot of land may nevertheless be used as a building site unless the lot(s) when created did not meet the minimum lot size regulations in effect at the time of its creation. Yard and other space requirements for the district in which the lot is located must be met, unless a variance is granted in accordance with the provisions of articles II and XII of this chapter.

(Ord. No. 5-92, § 3.31, 8-25-92)

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### Sec. 34-281. - Front yard setbacks for dwellings.

The front yard setback requirements of this article for proposed dwellings shall not apply to any lot where the average setback on developed lots, located wholly or in part within 100 feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such lots may not be less than the average of the existing front yard setbacks on the adjoining developed lots.

(Ord. No. 5-92, § 3.32, 8-25-92)

### Sec. 34-282. - Height limits.

The height limits of this article shall not apply to church spires, belfries, monuments, transmission towers, water towers, derricks, chimneys, cooling towers, fire towers and other structures not intended for human occupancy. These exceptions shall not apply in an airport flight zone. (Ord. No. 5-92, § 3.33, 8-25-92)

### Sec. 34-283. - Vision clearance.

In all districts no fence, wall, shrubbery, sign, marquee, or other obstruction to vision, except utility poles, shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads, or of a street intersection with a railroad right-of-way line. (Ord. No. 5-92, § 3.34, 8-25-92)

### Sec. 34-284. - Group housing projects.

In the case of group housing projects of two or more buildings to be constructed on a plot of ground having an area of not less than four acres, not subdivided into the customary streets and lots, and which will not be subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this article to the individual building units in such group housing projects, the application of the terms of this article may be varied by the planning commission, as written findings of a preliminary development order, with specifications that further the implementation of desirable design principles and development patterns in accordance with the design requirements of the town's land development regulations and adopted comprehensive plan, and will ensure substantially the same character of occupancy and density and intensity of land use no higher than, and a standard of open space, landscaping and tree protection, stormwater management utility, potable water, sanitary sewer, and other public facilities no lower than, that permitted by the accepted comprehensive plan and this chapter in the district in which the proposed project is to be located. However, in no case shall a use prohibited in the district in which the project is to be located or a smaller lot area per dwelling unit than the minimum required in such district be authorized, except for zero-lot line and clustered dwelling developments as specified in sections 34-247 and 34-272.

(Ord. No. 5-92, § 3.35, 8-25-92)

### Sec. 34-285. - Temporary and portable buildings and structures.

- (a) A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility, or other structure. A permit for the erection of any temporary structure shall be obtained from the town clerk after posting of sufficient bond to ensure removal of same within two weeks after issuance of the certificate of occupancy on the permanent structure. A temporary or portable structure may be used for a temporary construction office and for the housing of tools, equipment and materials.

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- (b) Subdivision sales offices may be erected only after approval by the planning commission, subject to such conditions, such as posting of sufficient bond to ensure removal or by other means as may be determined by the planning commission to be necessary to ensure termination of the use after a reasonable period by removal or conversion to a conforming use.
- (c) No trailers for dwelling, storage, or business shall be parked in any district, except upon approval by the planning commission in connection with a permanent building or construction project. Such approval shall be for a period of time not to exceed one year, renewable for periods of six months, stating the use for which approved.
- (d) No building shall be moved into and placed within the town limits except such buildings that conform to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this chapter and other town ordinances.

(Ord. No. 5-92, § 3.38, 8-25-92)

### Sec. 34-286. - Architectural design.

The purpose of this section is to provide design standards applicable to all commercial development activity within the town. For the purposes of the applicability of design regulations, "commercial" shall also refer to churches, schools, or government facilities. However, in order to create a more harmonious built environment, all development, including residential, should use the following standards as guidelines for community compatibility.

- (1) No commercial building or other structure shall be constructed, installed, erected, or altered except in compliance with the site design and development standards set forth in this LDC.
- (2) Where an overlay district applies to a site, the standards for that district shall apply in addition to the standards of the underlying zoning district.
- (3) In addition to standards for all development within a zoning district, supplemental standards for specific uses are set forth in the Town of Inglis Land Development Code and Code of Ordinances. Such supplemental standards shall apply in addition to the standards of the zoning district and overlay district, if applicable, in which the development is located.
- (4) Where conflict arises between standards required in a zoning district, in an overlay district, by supplemental standards, or by other legally binding document, the following rules shall be used in the application of standards:
  - a. Where an unexpired town-approved development order or unexpired town-approved development agreement issued prior to the effective date of this LDC, court order, or other legally binding document which authorizes development applies to the site, the standards in the legally binding document shall apply.
  - b. In all other situations, the stricter standard shall apply.

(Ord. No. 01-06, § 1b., 4-11-06)

### Sec. 34-287. - Design principles.

Development design shall first take into account the protection of natural resources and existing vegetation as set forth in article V. 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.



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- (1) It is the objective of the town commission and planning commission to foster the further development of the Town of Inglis in a style consistent with the historical nature of the community as it was in the period from 1900 to 1940. The historical nature of the town is best described as a small, southern, coastal community of relatively modest means, centered upon its own natural resources including fishing and lumber mill industries, as well as the surrounding cattle and phosphate mining industries. At that period of time the region was rural and agrarian in nature. Inglis served as a place of trade and social interaction for the fishermen, miners, sailors, lumbermen, farmers and their families living in the outlying areas and was a point of embarkation from the Port of Inglis.
  - a. While the architecture of the area is somewhat eclectic in nature, the dominant forms of residential architecture observed from that period are Southern Vernacular ("Cracker"), Craftsman, Bungalow, and to a lesser extent Spanish Revival. Some of the more affluent homes of that period were constructed in the Carpenter Gothic style with Queen Anne and Victorian influences typical of the period. From observation of remaining structures of the period and photographic records it is seen that the primary form of residential construction was wood frame using either natural wood finishes or monochromatic color schemes centering around the white, gray and beige/tan color ranges. Roofing materials ranged from 5-v-crimp "tin" metal panels to rolled roofing and tarpaper and on some residential structures asphaltic shingles.
  - b. The extant commercial structures from this time were constructed of masonry block, native stone and brick sometimes with frame porches. Many of the early, original commercial buildings have been destroyed and there are limited photographic records of these structures.
  - c. The overall theme of the area is, as stated above, a small southern coastal community of relatively modest means but rich in the local history of a town which has historically derived its existence as a port community and from its surrounding natural resources.
- (2) All new commercial development within the Town of Inglis shall comply with the following basic architectural elements. Compliance with the basic architectural elements of the town may be waived by the planning commission if the applicant can demonstrate to the planning commission that the proposed development activity is consistent with one of the preferred alternative styles.
  - a. The roofline must have a pitch or slope of no less than five feet of rise to 12 feet of span and a pitch or slope no greater than 12 feet of rise for every 12 feet of span.
  - b. The roof overhang at the eaves and gables must be at least 12 inches as measured along the underside of the slant of the roof.
  - c. A functional entry porch covering at least 50 percent of the horizontal length of the side of the building facing the road.
  - d. At least 50 percent of the non-glass, face of all new commercial buildings shall consist of wood, stone or masonry materials. This requirement applies to all sides of a building fronting a public road. Alternative materials other than the above listed materials may be used to enhance the facade of commercial structures if it is demonstrated by the developer that said alternative materials were consistent with the architectural elements or standards of the town and approved by the planning commission during concept plan review and/or preliminary development plan review.

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- (3) Alternative architectural styles may be developed in lieu of compliance with the town's basic architectural elements listed above in subsections 34-287(2)a., b. and c. To utilize an alternative architectural style, the applicant must demonstrate to the planning commission that the proposed development activity displays architectural elements consistent with one of the preferred alternative styles as shown in the Inglis Architectural Design Palette. When reviewing alternative styles as shown in the Inglis Architectural Design Palette. When reviewing architectural design elements, the planning commission shall place particular attention to the front facade and entrance of a building as viewed from the right-of-way with lesser focus on areas of lower visibility. Proposed developments must incorporate primary architectural elements sufficient to establish an overall character consistent with one of the alternative preferred architectural styles listed below:
- a. The following architectural styles may be approved by the planning commission as an alternative preferred style.
    1. Southern Vernacular (Cracker-style);
    2. Craftsman (circa 1900—1940);
    3. Queen Anne - frame construction;
    4. Bungalow style (circa 1900—1940);
    5. Arts and Crafts style;
    6. Stick Victorian and Carpenter Gothic (Victorian) - frame construction; and
    7. Victorian - frame construction.
- (4) With authorization from the planning commission commercial buildings that are arranged and intended for planned, high density, downtown development patterns and which may include common wall construction, development may comply with one of the following architectural styles in lieu of the styles listed in subsection 34-287(3).
- a. The following architectural styles may be approved by the planning commission as an alternative preferred style:
    1. Prairie Style (circa 1900—1940's);
    2. Spanish Revival;
    3. Italianate (Victorian); and
    4. Mediterranean Revival.
- (5) In keeping with the objectives of fostering the further development of the town of Inglis in a style consistent with the historical nature of the community certain architectural styles are found to be inconsistent with the character of the community.
- a. The following architectural styles are prohibited for new commercial buildings and discouraged for use within the built environment:
    1. Art Deco;
    2. Art Nouveau (Gaudian);
    3. International Style (e.g.: Miesian, etc);
    4. Art Moderne;
    5. Romanesque (Richardsonian Romanesque);
    6. Usonian;

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7. Tudor;
8. French Revival;
9. Bauhaus;
10. Beaux-Arts;
11. Egyptian Revival;
12. Moorish Revival;
13. Federal;
14. Greek Revival (Ante-bellum);
15. Classical Revival; and
16. Georgian.

(Ord. No. 01-06, § 1b., 4-11-06; Ord. No. 03-11, § 1(Att. A), 4-12-11)

Sec. 34-288. - Keeping of animals.

Livestock means Inglis has no agricultural zoning districts. No farm animals or livestock are permitted within the Town of Inglis, except under the following conditions:

Horses may permitted, provided that the owner has at least one acre of dedicated pasture land for each horse.

The stable or other structure that houses the animal(s) must be set back at least 50 feet from the property line.

(Ord. No. 01-13, § 1(Att. A), 6-11-13)

Secs. 34-289—34-300. - Reserved.

## INGLIS LAND DEVELOPMENT REGULATIONS

### DIVISION 5. - PARKING, LOADING AND UNLOADING<sup>171</sup>

#### Sec. 34-301. - Off-street automobile parking and storage.

Off-street automobile storage or parking space shall be provided on every lot on which any of the uses provided for in this article are hereafter established or where no space is available on the lot, space shall be provided on an adjacent or abutting lot and such space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific use as set forth below. For the purpose of this section a parking or storage space shall not be less than 200 square feet (ten feet by 20 feet) excluding all driveways and entrances and exits.

(Ord. No. 5-92, § 3.15, 8-25-92)

#### Sec. 34-302. - Space requirements.

The following space requirements shall apply for each use:

- (1) Single-family residence: Two spaces per principal building (dwelling unit) plus one space for each bedroom of an accessory apartment. Where possible off-street parking areas shall be located at the rear of the principal building, with access from an alley.
- (2) Multifamily residences: Two spaces per dwelling unit plus guest parking equal to no less than ten percent of the required number of spaces for dwelling units.
- (3) Foster homes, congregate living facilities: One per each staff member, volunteer and/or foster parent or caregiver.
- (4) Roominghouses and boardinghouses, tourist home, tourist courts, motels, hotels: One space for each or sleeping room or suite; plus one per employee, plus 0.2 per restaurant seat.
- (5) Manufactured housing parks: Two spaces for each manufactured home plus guest parking equal to no less than ten percent of the required number of spaces for dwelling units.
- (6) Restaurants, taverns, and other eating and drinking establishments: One space per 100 square feet of floor area including outdoor seating areas or one space per four occupants based on maximum occupancy, whichever is larger.
- (7) Private clubs or lodges: One space for each 50 square feet of total floor area in the auditorium, assembly hall and dining room in such building.
- (8) Churches, religious institutions and places of worship: One space for each four seats in the main auditorium.
- (9) Public and private educational facilities: Elementary—one space per classroom, plus the number of spaces required for places of public assembly where assembly halls are present; secondary—the same as for elementary, but in addition one space per ten students based on maximum student capacity.
- (10) Day-care centers: One space per employee, plus where assembly halls are present the number required for places of public assembly.
- (11) Stadiums and other places of public assembly: One space for each three seats in the building or structure, based on maximum seating capacity, or one space per 200 square feet, whichever is greater.
- (12) Hospitals or nursing homes: One space for each two beds intended for patients, excluding bassinets, and one space for each permanent employee and volunteer.



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- (13) Retail sales stores: One space for each 300 square feet of retail floor space.
- (14) Drive-in retail business (including drive-through restaurants): Minimum of ten spaces, plus one for each 100 square feet of floor area.
- (15) Wholesale and general business and warehouses: One space for each employee based on maximum employment on a single shift, and one space for each truck to be stored or stopped simultaneously.
- (16) Filling stations, full- or self-service: Nine spaces for each grease rack or similar facility, plus one space for each gas pump.
- (17) Convenience stores: Five spaces for each 1,000 square feet of floor area.
- (18) Office and professional buildings: One space for each 200 square feet of office space.
- (19) Industries: One space for each employee at maximum employment on a single shift and one space for each vehicle to be stored or stopped simultaneously.
- (20) Bus terminals: Two spaces for each loading or unloading bay.
- (21) Auto sales and repair: One space for each employee at maximum employment on a single shift, plus two spaces for each 300 square feet of auto repair or sales spaces.
- (22) Utility offices: One space per each 200 square feet of floor area.
- (23) Recreation facilities (public and private): One space per 50 square feet of floor area and land area used for recreation.
- (24) Silviculture operations: One and one-half spaces per person regularly employed on the premises.
- (25) Flea markets and auctions: Four spaces per stall or rental table; outdoor auctions, one space per 200 square feet of arena area; indoor auctions, same as stadiums and other places of public assembly.

(Ord. No. 5-92, § 3.15.1, 8-25-92; Ord. No. 03-00, § 1, 1-25-00)

Sec. 34-303. - Combined parking spaces.

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

(Ord. No. 5-92, § 3.15.2, 8-25-92)

Sec. 34-304. - Location of the parking area.

Parking spaces as required by this section shall only be located on the parcel or lot, or on an abutting lot of the principal use.

(Ord. No. 5-92, § 3.15.3, 8-25-92)

Sec. 34-305. - Off-street loading and unloading space.

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Every building or structure used for business, trade or industry shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have a minimum overhead clearance of 14 feet, and have access to a public alley or if there is not alley, to a public street.

- (1) Retail business: One space of 300 square feet for each 3,000 square feet of floor area.
- (2) Wholesale and industry: One space of 500 square feet for each 10,000 square feet of floor area.
- (3) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.
- (4) Drive-through facilities: Each space shall be no smaller than 12 feet in width and 35 feet in length and the number of spaces shall be provided as follows:
  - a. Restaurants: Standing (stacking) space for eight vehicles in each lane, plus an escape lane that serves all standing lanes.
  - b. Banks: The number of standing spaces shall be provided in accordance with the number of drive-through lanes: one lane, eight spaces; two lanes, 12 spaces; three lanes, 18 spaces; four lanes, 23 spaces; and, each additional lane shall have two additional spaces, plus, an escape lane that serves all standing lanes.
  - c. Other uses: Shall be provided with standing space in accordance with the requirements of the town engineer.
  - d. All uses that have drive-through lanes shall equip those lanes with one or more escape lanes which shall allow any vehicle in a drive-through lane to leave the drive-through queue and return to the principal access road that serves the lot.

(Ord. No. 5-92, § 3.16, 8-25-92)

Sec. 34-306. - Bike parking, bikeways and pedestrian ways.

- (a) Projects abutting collector or arterial facilities shall provide sidewalks adjacent to the collector or arterial roadway, except where frontage road streetscapes are provided under section 34-277. Location of sidewalks shall be consistent with planned roadway improvements, and shall provide a logical connection between places of commerce, residences, schools and recreational land uses.
- (b) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility design shall include provisions for sidewalks and bikeways within the right-of-way.
- (c) Residential projects adjacent to or in the immediate vicinity of an activity center which is characterized by a mix of commercial, office, service or recreation uses shall provide pedestrian and bicycle access from the development to the activity center.
- (d) Pedestrian ways or crosswalks, not less than ten feet wide with a sidewalk meeting the requirements of this chapter, may be required by the planning commission 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.
- (e) All commercial and industrial uses shall provide designated bicycle parking spaces with parking racks in the amount of two percent of the required number of spaces for automobiles.

(Ord. No. 5-92, § 3.17, 8-25-92)

Sec. 34-307. - Lighting.

## INGLIS LAND DEVELOPMENT REGULATIONS

### (a) Definitions.

- (1) Fixture. The assembly that holds a lamp and may include:
  - a. An assembly housing;
  - b. A mounting bracket or pole socket;
  - c. A lamp holder;
  - d. A ballast;
  - e. A reflector or mirror; and
  - f. A refractor or lens.
- (2) Full cutoff. A term used by the lighting industry to describe a lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten percent of the lamp's light intensity is emitted at an angle ten degrees below that horizontal plane, at all lateral angles around the fixture. Implicit in the definition is a fixture that is aimed straight down and has a flat lens.
- (3) Glare. The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye. Glare is subjective and cannot be measured with a meter.
- (4) Lamp. The component of the luminaire that produces light.
- (5) Light shield. Any attachment which interrupts and blocks the path of light emitted from a luminary or fixture.
- (6) Light trespass. Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is located.

### (b) General purpose.

- (1) To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
- (2) To discourage excessive lighting.
- (3) To regulate the type of light fixtures, lamps and standards.
- (4) To protect residential zones from the ill affects associated with non-residential exterior lighting.
- (5) To create a safe environment during hours of darkness.
- (6) To avoid excessive lighting in order to preserve the dark night sky.

### (c) General requirements.

- (1) Site lighting trespass onto adjacent properties or roadways shall be minimized.
  - a. Light fixtures or lamps shall be shielded/shaded in such a manner as to direct glare away from adjacent properties or roadways.
- (2) Site lighting shall minimize light spill into the dark night sky.
  - a. Any facilities which may require flood lighting may not arrange the light in such a way that it will shine unnecessarily into the night sky.
- (3) Lighting intensity will be limited to no brighter than that published as recommended by the Illuminating Engineering Society of North America (IESNA).

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- (4) Where practical, exterior lighting shall include timers, dimmers, sensors, or photocell controllers that turn lights off during daytime or when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
  - (5) Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.
  - (6) Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting.
  - (7) Vegetation and landscaping shall be maximized to reduce light spill into the night sky and light trespass onto adjacent properties and roadways.
- (d) Open-air parking lot lighting.
- (1) Open-air parking lot lighting shall be designed to provide adequate vision, comfort and safety.
    - a. Parking area luminaries shall be no taller than 15 feet in height from the ground to the light source. Parking area lights are encouraged to be greater in number, lower in height, and lower in light level, as opposed to fewer in number, higher in height and higher in light level. However, parking lots of more than 50 spaces may vary from the 15-foot limitation, but must submit a lighting plan for approval by the planning commission
    - b. Any luminary on a pole or stand shall have a shield, an adjustable reflector and non-protruding diffuser.
  - (2) Open-air parking lot lighting shall be designed to provide uniform lighting throughout the facility with no dark patches or pockets.
  - (3) Open-air parking lot lighting shall be designed to provide a minimal amount of lighting for the safety and identification of features.
  - (4) Open-air parking shall not cause direct illumination on adjacent and nearby properties or streets. Lighting fixtures should be of a type and design so as to adequately shield to prevent glare from normal viewing angles.
    - a. In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures serving open-air parking lots, except as allowed in subsection b. below, shall be full cut-off fixtures as defined by the IESNA.
    - b. If the development of an area requires the use of open-air parking lot lighting of a particular period or architectural style, the planning commission may permit alternative lighting requirements as outlined above.
  - (5) For multi-level parking facilities, the roof level shall be considered an open-air parking lot.
- (e) Commercial, industrial, and utility development lighting.
- (1) Facility lighting.
    - a. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. No strobe or flashing lights shall be permitted unless no other lighting can meet FAA regulations. Lighting shall also comply with any applicable Town of Inglis lighting standards.



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- b. Building-mounted lighting shall only be oriented to a specific lighting task; shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet/eaves or roof, whichever is greater. It is the intent of this code to prohibit architectural enhancement with neon and fiber-optic lights and are prohibited for exterior illumination.
  - c. In the case of service station facilities lighting shall not be mounted on the top or sides (fascias) of the canopy. In order to minimize the extent of direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover (diffuser) is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from vertical.
  - d. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky.
  - e. Flags may be illuminated from below provided such lighting is focused primarily on the individual flag or flags to limit light trespass and spill into the dark night sky. Flags should be taken down at sunset to avoid the need for lighting.
- (f) Prohibitions.
- (1) Mercury-vapor, sodium-vapor and high intensity lamps. The installation of any mercury-vapor, sodium-vapor or high intensity fixture or lamp for use as an outdoor luminary is prohibited.
  - (2) Laser light source. The use of laser source light of any similar high intensity light for outdoor advertising, entertainment or non-commercial use is prohibited.
  - (3) Searchlights. The operation of searchlights for advertising, entertainment or non-commercial purposes is prohibited.
  - (4) Lighting shall not be flashing, moving, intermittent or scintillating in type except for signs that display only time and temperature. Other electronic changeable message signs are prohibited.
  - (5) Red, yellow or green lights that may resemble traffic signalization or caution lights.

(Ord. No. 03-06, § 1, 12-12-06)

Secs. 34-308—34-350. - Reserved.

# INGLIS LAND DEVELOPMENT REGULATIONS

## ARTICLE V. - LANDSCAPING AND BUFFERING

### Sec. 34-351. - Short title.

This article shall generally be known as the landscape and buffering regulations of the town land development code.

(Ord. No. 5-92, § 4.2, 8-25-92)

### Sec. 34-352. - Purpose and intent.

The primary objective of this section is to protect and preserve the appearance, character, and value of adjacent land uses and to promote the general welfare by providing for the installation of landscaped buffer areas which will screen lower intensity uses from the sight, glare, light and noise intrusion of higher intensity uses.

(Ord. No. 5-92, § 4.3, 8-25-92)

### Sec. 34-353. - Exemption.

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

(Ord. No. 5-92, § 4.4, 8-25-92)

### Sec. 34-354. - General requirements.

Wherever a higher intensity property adjoins or abuts a lower intensity land use or zoning classification, a state of natural vegetation shall be preserved or where a lack of appropriate natural vegetation for a buffer occurs a landscape buffer area will be required along the total length of that adjoining or abutting property boundary to provide an attractive land use transition and reduce sight, glare, light and noise intrusion. This landscaped buffer area as set out in this section will be reviewed and approved during the development plan approval process. The landscaped buffer area can be decreased in depth with a continuous brick, stone or concrete block wall, which is located the full length of the adjoining or abutting property boundary being buffered. A landscaped berm of the same height can be substituted for a wall. Buffer areas will be continually maintained in good condition by the property owner. The planning commission will determine the specific requirements of a buffering plan as part of the development plan review process to ensure its effectiveness and to ensure consistency with design principles as listed in section 34-357.

- (1) The exterior boundaries of all sites, including subdivisions, shall have a minimum of four feet of open space around the site. Driveways, fences, walls, sidewalks, street connections to adjoining residential uses or subdivisions, or necessary appurtenances will be permitted within the required four feet.
- (2) All off-street parking areas and drive-in service facilities shall be screened from the bordering streets with a minimum of five feet of landscaped buffer strip between the parking or drive-in area and the bordering street(s), excluding sidewalks, driveways, or necessary appurtenances. This five-foot strip shall have a minimum three-foot height of continuous hedge.

## INGLIS LAND DEVELOPMENT REGULATIONS

- (3) A six-foot high landscaped berm can be substituted for a wall requirement. The berm must be constructed at a 3:1 slope or less. The berms shall be landscaped with a combination of ground cover, sod, shrubs, and ornamental trees as provided for in this article.
- (4) Where a neighborhood commercial (C-1), commercial (C-2), utility (U), public buildings, churches, cemeteries (PI), or industrial (I) district is separated by a two-lane street from a residential district, then any plot in such nonresidential district adjacent to the separating street shall be provided with a yard at least as deep as that required for the residential district adjoining or lying across the separating street or alley. (See section 34-247, area, yard, height and size requirements.)
- (5) Shopping center uses in C-1 or C-2 districts abutting less intensive use or zoning classification shall have a 25-foot landscape buffer and a stone, brick or concrete block wall unless the planning commission deems a greater setback is necessary. The buffer area shall not be used for a driveway or parking areas, however, sidewalks may be permitted upon review by the development plan review committee. This 25-foot area shall be landscaped in accordance with the specifications contained in section 34-355.  

Where frontage roads are not required a shopping center shall have a landscape area with a three-foot high continuous hedge or berm of the same height, sodded open areas, and trees, at least ten feet in depth exclusive of the sidewalk along the street frontage and must be located between the curblineline and a line parallel to and ten feet inside the property line. The ten-foot area shall be landscaped in accordance with the specification contained in section 34-355.
- (6) A certificate of occupancy or use shall not be issued until the buffer area and the wall are completed and approved according to the final development order.

Table 1. Buffer Type Requirements  
See Figures 1 through 4 for descriptions of buffer types)

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| Proposed Zoning/Use    | Adjacent Zoning District |    |    |    |    |    |    |    |    |    |    | RC-1 | R-1 | R-1-A | R-1-B | R-2 | C-1 | C-1-A | C-2 | C-2-A | I-1 | I-2 | MHP-1 | PI | P  | T  | U  |     |
|------------------------|--------------------------|----|----|----|----|----|----|----|----|----|----|------|-----|-------|-------|-----|-----|-------|-----|-------|-----|-----|-------|----|----|----|----|-----|
|                        |                          |    |    |    |    |    |    |    |    |    |    |      |     |       |       |     |     |       |     |       |     |     |       |    |    |    |    |     |
| RC-1 Residential-Cons. |                          |    |    |    |    |    |    |    |    |    |    |      |     |       |       |     |     |       |     |       |     |     |       |    |    |    |    |     |
| R-1 Residential        |                          |    |    |    |    |    |    |    |    |    |    |      |     |       |       |     |     |       |     |       |     |     |       |    |    |    |    |     |
| R-1-A Residential      |                          |    |    |    |    |    |    |    |    |    |    |      |     |       |       |     |     |       |     |       |     |     |       |    |    |    |    |     |
| R-1-B Residential      |                          |    |    |    |    |    |    |    |    |    |    |      |     |       |       |     |     |       |     |       |     |     |       |    |    |    |    |     |
| R-2 Multifamily Res.   | A                        | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A    | A   | A     | A     | A   | A   | A     | A   | A     | A   | A   | A     | A  | A  | A  | A  | B   |
| C-1 Neighborhood Com.  | B                        | B  | B  | B  | B  | B  | B  | B  | B  | B  | B  | B    | B   | B     | B     | B   | B   | B     | B   | B     | B   | B   | B     | B  | B  | B  | B  | A C |
| C-1-A Highway Com.     | B                        | B  | B  | B  | B  | B  | B  | B  | B  | B  | B  | B    | B   | B     | B     | B   | B   | B     | B   | B     | B   | B   | B     | B  | B  | B  | B  | A C |
| C-2 Commercial         | C                        | C  | C  | C  | C  | C  | C  | C  | C  | C  | C  | C    | C   | C     | C     | C   | C   | C     | C   | C     | C   | C   | C     | C  | C  | C  | C  | B C |
| C-2-A Highway Com.     | C                        | C  | C  | C  | C  | C  | C  | C  | C  | C  | C  | C    | C   | C     | C     | C   | C   | C     | C   | C     | C   | C   | C     | C  | C  | C  | C  | B C |
| I Industrial           | D                        | D  | D  | D  | D  | D  | D  | D  | D  | D  | D  | D    | D   | D     | D     | D   | D   | D     | D   | D     | D   | D   | D     | D  | D  | D  | D  | D   |
| I-2 Planned Industrial | D1                       | D1 | D1 | D1 | D1 | D1 | D1 | D1 | D1 | D1 | D1 | D1   | D1  | D1    | D1    | D1  | D1  | D1    | D1  | D1    | D1  | D1  | D1    | D1 | D1 | D1 | D1 | D D |



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| Adjacent Zoning District                  |   |   |   |   |   |   |   |   |   |   |   | RC-1 | R-1 | R-1-A | R-1-B | R-2 | C-1 | C-1-A | C-2 | C-2-A | I-1 | I-2 | MHP-1 | PI | P | T | U |   |
|---|---|---|---|---|---|---|---|---|---|---|---|------|-----|-------|-------|-----|-----|-------|-----|-------|-----|-----|-------|----|---|---|---|---|
| MHP-1 Mobile Home, Manufactured Home Park | C | C | C | C | B | A | A | A | A | A | A | A    | A   | A     | A     | A   | A   | A     | A   | A     | A   | C   |       |    |   |   |   |   |
| P1 Public-Institutional P Park            | B | B | B | B | A |   |   |   |   |   |   |      |     |       |       |     |     |       |     |       |     |     |       |    |   |   |   |   |
| T Timber                                  |   |   |   |   |   |   |   |   |   |   |   |      |     |       |       |     |     |       |     |       |     |     |       |    |   |   |   |   |
| U Utility                                 | C | C | C | C | B | A | A | A | A | A | A | A    | A   | A     | A     | A   | A   | A     | A   | A     | A   | A   | A     | A  | A | A | A | A |

INGLIS LAND DEVELOPMENT REGULATIONS

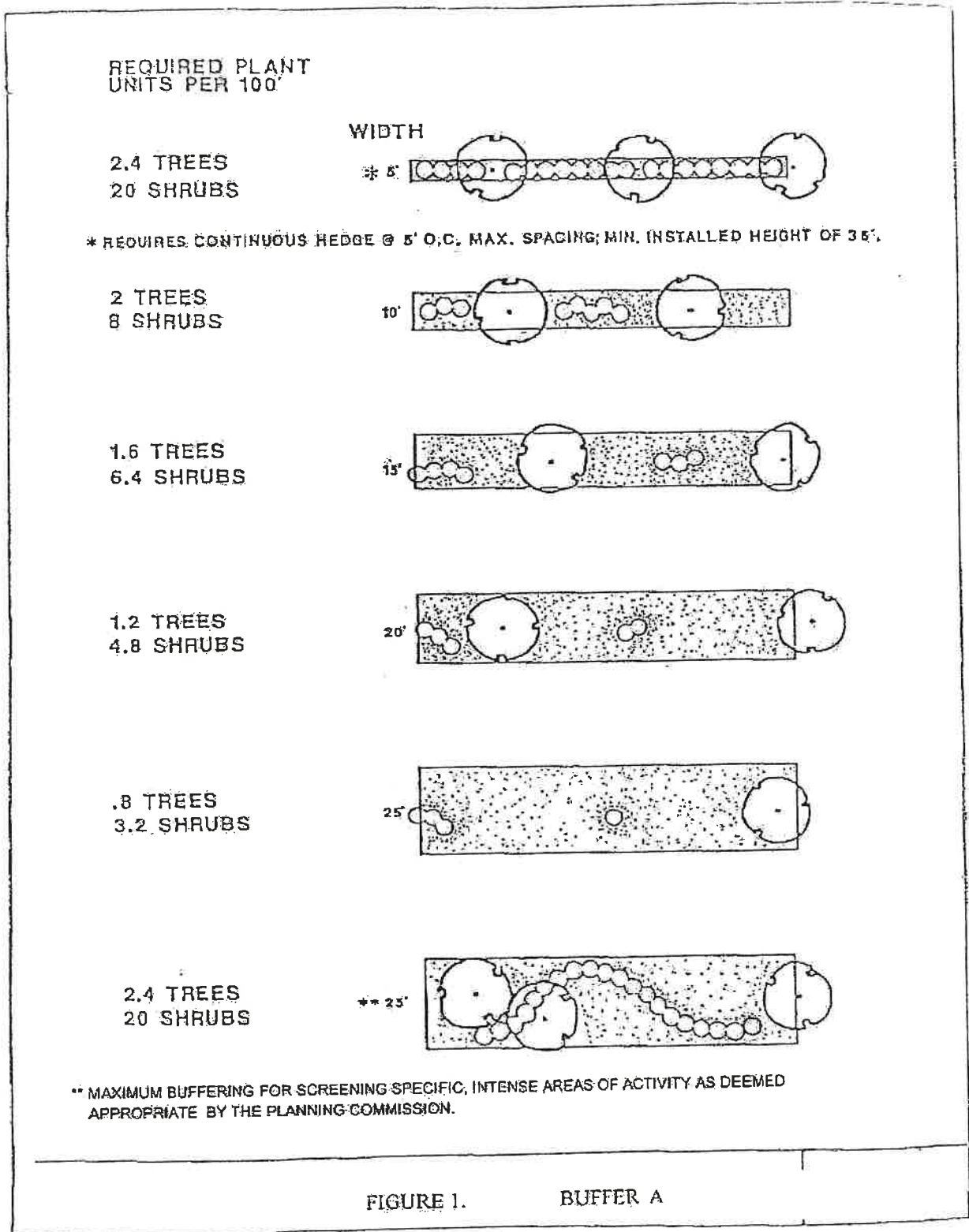


Figure 1 Buffer A

INGLIS LAND DEVELOPMENT REGULATIONS

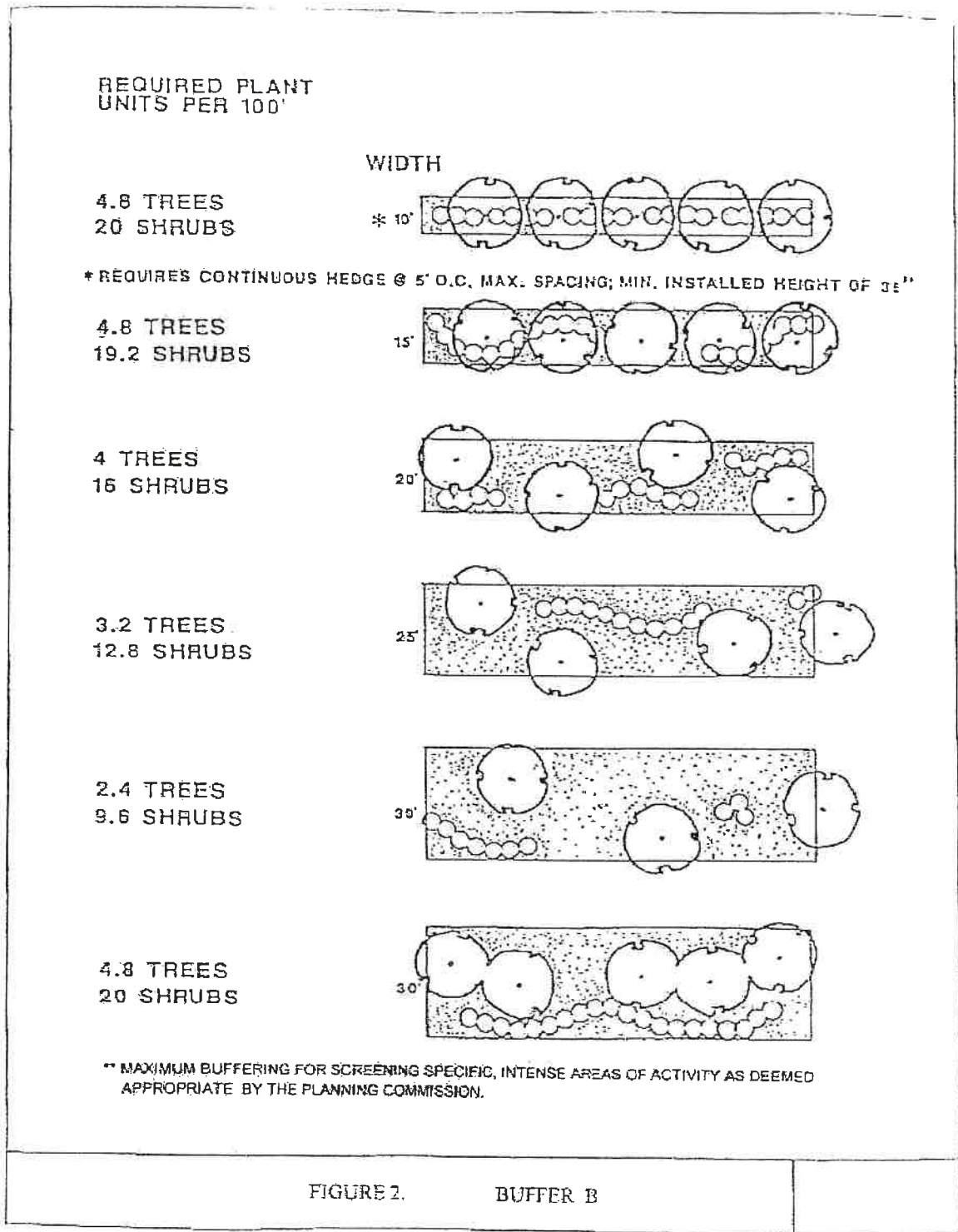


Figure 2 Buffer B

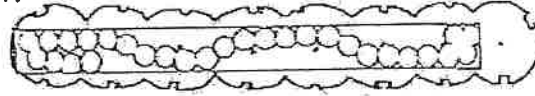
INGLIS LAND DEVELOPMENT REGULATIONS

REQUIRED PLANT  
UNITS PER 100'

7.2 TREES  
28.8 SHRUBS

WIDTH

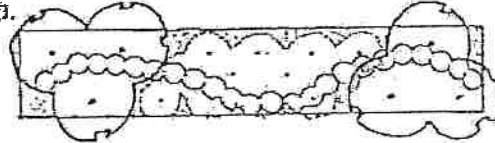
\* 10'



\* REQUIRES CONTINUOUS HEDGE @ 5' O.C. MAX. SPACING; AVERAGE INSTALLED HEIGHT OF 46" (36" MIN. ALLOWED HEIGHT).

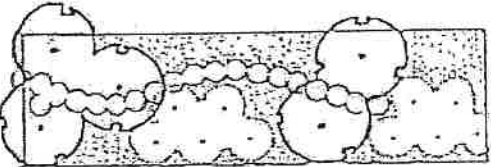
6 TREES  
24 SHRUBS  
12 CONIFERS

25'



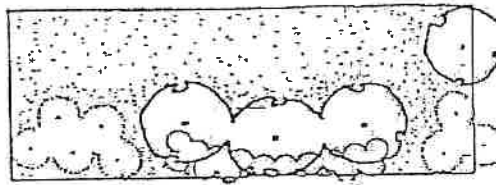
4.8 TREES  
19.2 SHRUBS  
9.6 CONIFERS

30'



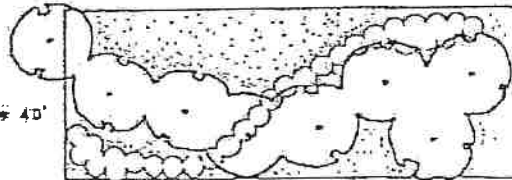
3.6 TREES  
14.4 SHRUBS  
7.2 CONIFERS

40'



7.2 TREES  
28.8 SHRUBS

\*\* 40'



\*\* MAXIMUM BUFFERING FOR SCREENING SPECIFIC, INTENSE AREAS OF ACTIVITY AS DEEMED APPROPRIATE BY THE PLANNING COMMISSION.

FIGURE 3.

BUFFER C

Figure 3 Buffer C



INGLIS LAND DEVELOPMENT REGULATIONS

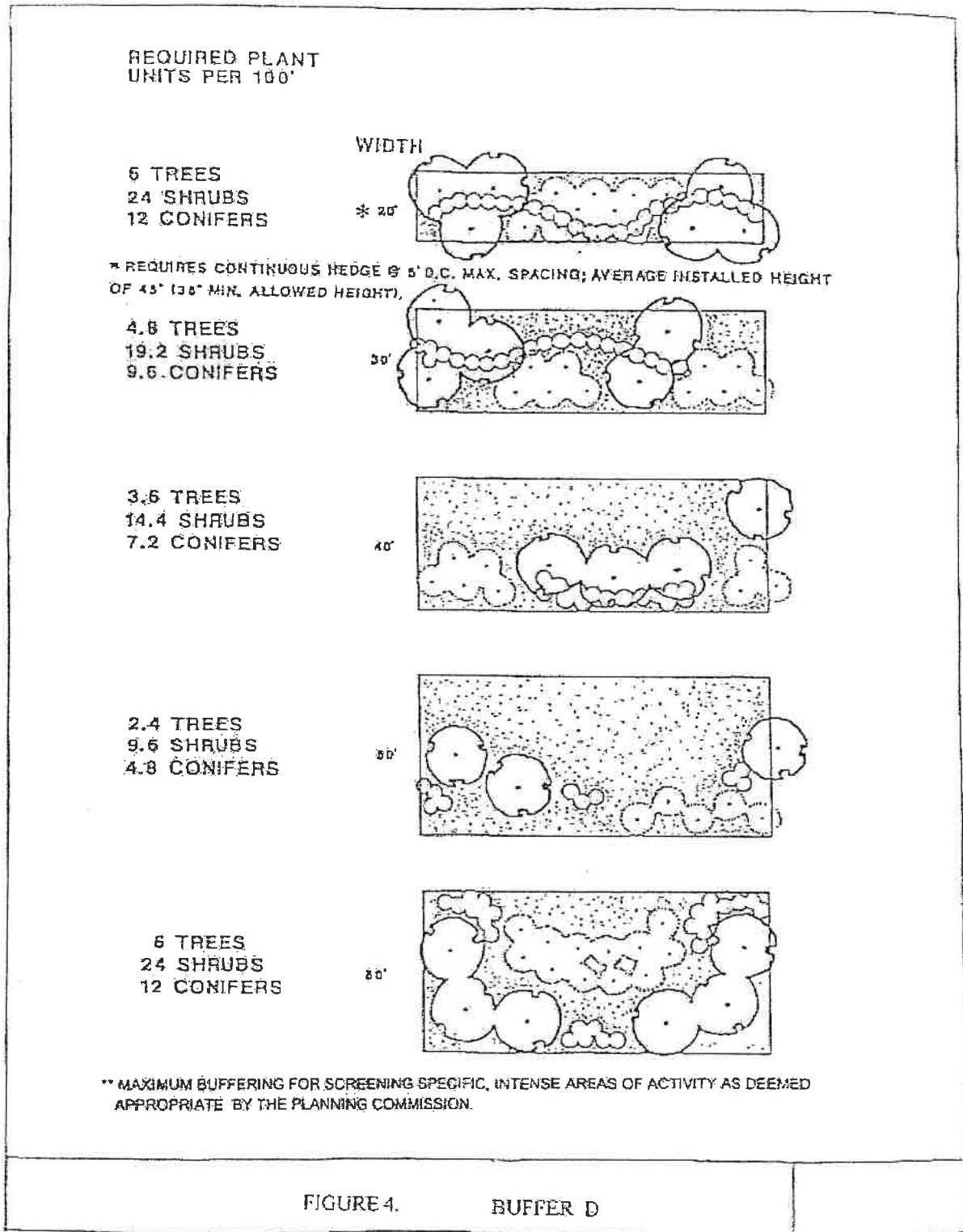


FIGURE 4.

BUFFER D

Figure 4 Buffer D

INGLIS LAND DEVELOPMENT REGULATIONS

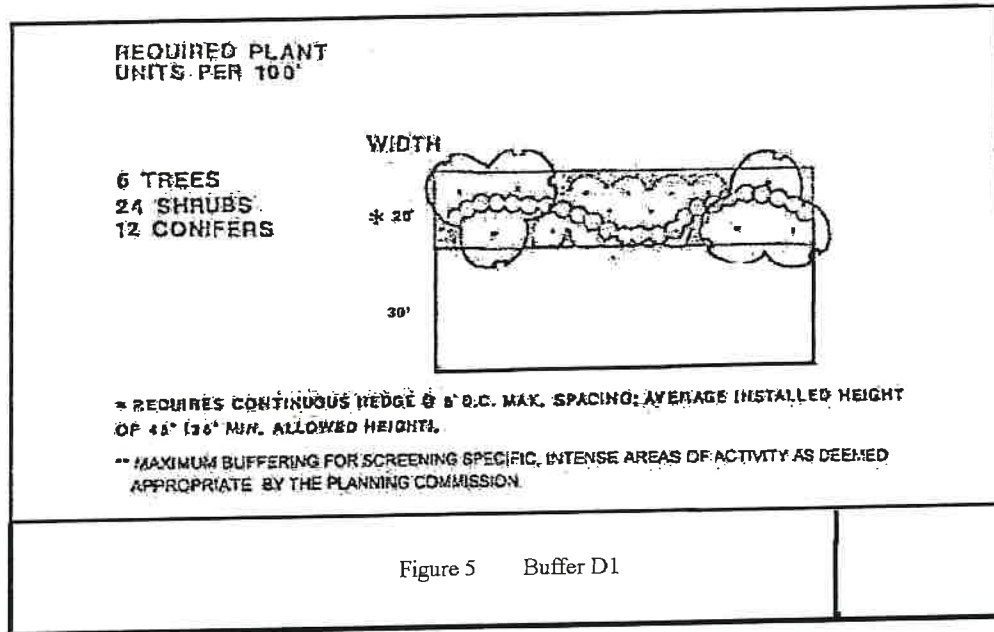


Figure 5 Buffer D1

Buffer D1 shall include at a minimum a 50-foot buffer area with 20 feet of vegetation and include a continuous hedge. The hedge will be of a species that can be expected to grow to a height of eight feet within five years.

(Ord. No. 5-92, § 4.5, 8-25-92; Ord. No. 02-01, § 1, 4-24-01; Ord. No. 05-03, § 1, 6-10-03; Ord. No. 02-10, § 1(Att A), 3-11-10)

Sec. 34-355. - Landscaping specifications in buffer areas.

- (a) Generally. When a landscape buffer area is required under this section then continuous hedging and small trees will be required. The hedging along with the trees shall achieve a 75 percent opacity within two years. The hedge material shall reach a height of three feet in two years, six feet in four years and should be accepted as cold hardy in this zone (zone 9a). All open areas in the buffer area shall be sodded. All landscaped areas shall have a properly installed irrigation system to give 100 percent coverage of the landscaped area or be adequately maintained to ensure the healthy survival of all sod, ground cover, shrubs and trees. All landscape materials that die shall be replaced within 60 days with landscape materials specified under this article.
- (b) Exceptions. Where natural vegetation of a climax successional state is preserved in lieu of a landscaped buffer, the sodded area requirement shall not be applied.
- (c) Trees. Type of small trees such as the following are suggested to be utilized in buffer:
  - (1) The following are designated as canopy trees:

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|                  |                     |
|------------------|---------------------|
| Cedar            | Cedrus or Juniperus |
| Cypress          | Taxodium            |
| Gum Tree         | Liquidambar         |
| Hickory          | Carya               |
| Magnolia-Red Bay | Magnolia            |
| Maple            | Acer                |
| Oak              | Quercus             |
| Pine             | Pinus               |
| Sycamore         | Platanus            |

(2) The following are designated as understory trees:

|                |                               |
|----------------|-------------------------------|
| Holly          | Ilex opaca                    |
| Dogwood        | Cornus florida                |
| Drake Elm      | Ulmus parvifolia              |
| Wax-Myrtle     | Myrica cerifera               |
| Crape Myrtle   | Lagerstroemia indica          |
| Ligustrum tree | Ligustrum japonicum tree-type |

(3) The following are designated as shrubs:

|                 |                         |
|-----------------|-------------------------|
| Ligustrum       | Ligustrum japonicum     |
| Redtop          | Photinia fraseri        |
| Anise           | Illicium anisatum satum |
| Pineapple guava | Feijoa sellowiana       |
| Silver thorn    | Elaeagnus pungens       |

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(4) The following are designated as ground covers:

|                  |                                    |
|------------------|------------------------------------|
| Coontie          | <i>Zamia floridiana</i>            |
| Native daylily   | <i>Hemerocallis</i> sps.           |
| Lantana, dwarf   | <i>Lantana depressa</i>            |
| Morning glory    | <i>Ipomoea</i> sps.                |
| Palmetto, saw    | <i>Serenoa repens</i>              |
| Trumpet vine     | <i>Campsis radicans</i>            |
| Virginia creeper | <i>Parthenocissus quinquefolia</i> |

(d) Unfamiliar plant material. If the designer requests plant material which is unfamiliar to the site plan review committee, it shall be the designer's responsibility to prove that the design meets these specifications.

(e) Prohibited plants. The following plants shall not be installed as landscape material: Noxious exotics, including the Punk tree (*Meleleuca quinqueneuia*), Australian pine (*Casuarina* spp.) and Brazilian pepper (*Schinus terebinthe folius*).

(Ord. No. 5-92, § 4.6, 8-25-92)

Sec. 34-356. - Installation of plants.

(a) Spacing, size and quality of trees. There shall be an average of one tree for every 25 linear feet of buffer area. Trees shall be a minimum of six feet to eight feet in height when installed. Trees shall be Florida #1.

(b) Spacing, size and quality of shrubs and hedges.

(1) Hedge material to be planted shall be a maximum of three feet on center. At the time of installation, plants shall be 18 inches to 24 inches minimum height in three-gallon-sized nursery grown containerized stock and shall conform to the standards for Florida #1.

(2) All plants shall be healthy and free of diseases and pests, and shall be selected from the list of approved species in section 34-355. The planning commission may authorize the use of an appropriate species not shown on the lists. The planning commission should take steps to have the substituted species added to the list.

(3) Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this requires that some or all of the landscaping be planted at a time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued.

(4) Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.



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- (5) The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
- (6) The developer shall provide sufficient soil and water to sustain healthy growth of all plants.
- (c) Use of required areas. No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this chapter shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities. (Ord. No. 5-92, § 4.7, 8-25-92)

### Sec. 34-357. - Landscape design and materials.

- (a) Design principles. All landscaped areas required by this chapter should conform to the following general design principles:
  - (1) Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
  - (2) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
  - (3) Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.
  - (4) Existing native vegetation should be preserved and used to meet landscaping requirements. (See article XI of this chapter for tree protection requirements.)
  - (5) Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
  - (6) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short- and long-term elements to satisfy the general design principles of this section over time.
  - (7) Landscaping should enhance public safety and minimize nuisances.
  - (8) Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
  - (9) Landscaping should maximize the shading of streets and vehicle use areas.
  - (10) The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy.

No development plan shall be denied solely on the basis of the design principles in this section.

- (b) Irrigation. All landscaped areas shall be provided with an appropriate irrigation system that conforms to the Standard Plumbing Code construction standards manual. All irrigation systems connected to a potable water supply shall be fitted with backflow prevention devices. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the planning commission, as applicable, may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirement shall include, in addition to the area covered by native vegetation, such local conditions as sun or shade, use of fill soil, and depth to water table.
- (c) Nonliving materials. Mulches shall be a minimum depth of two inches and plastic surface covers shall not be used. Wood chip mulches shall be of a type which do not attract termites.

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(Ord. No. 5-92, § 4.8, 8-25-92)

Sec. 34-358. - Wall and fence regulations.

- (a) Construction standards for walls. A wall must be made of brick, stone or concrete block in accordance with prevailing building industry standards for appearance, soundness, safety and resistance to weather.
- (b) General requirements for walls. General requirements for walls shall be as follows:
  - (1) Concrete block panels shall not be more than 16 feet in length without providing for expansion.
  - (2) A waterproof cap is required for any hollow core wall. This cap shall be installed in such a manner as to prevent moisture from entering the wall.
  - (3) Foundations and other structural elements must be designed in accordance with the Florida Building Code. These plans must be submitted to the town engineer and approved before construction on the wall can begin.
  - (4) Walls that serve as required buffers shall be a minimum of six feet in height. This six-foot height shall be measured from the highest finished grade of either side of the wall to the top of that wall.
  - (5) Plain concrete walls shall be stuccoed or painted.
  - (6) The height of the wall may be increased or decreased if the site plan review committee deems it necessary.
  - (7) Where the presence of a sidewalk or roadway through the wall and buffer area would allow logical connections between uses, a pedestrian gate opening shall be provided through the buffer area to meet such ends.
- (c) Fence regulations. The primary objective of this section is to protect and preserve the appearance, character, and value of adjacent land uses and to promote the general welfare by providing guidelines for the installation and maintenance of fences. The Town of Inglis requires a permit to erect a fence (see fee schedule) to assure the fence does not obstruct a drivers vision along roadways and the fence provides an orderly appearance that is in keeping with the character of it's surroundings.
  - (1) Exemptions. The following types of fences are exempt from permitting requirements provided the proposed fence complies with all other requirements herein:
    - a. Fences for bona fide agricultural operations.
    - b. Cross fencing within a perimeter fence.
    - c. Pens, play yards, kennel runs, and other enclosed areas within an outer perimeter fence. Fences enclosing gardens, landscaped areas, compost piles, and other home horticultural activities.
    - d. Fences for permitted temporary uses.
    - e. Fences for closure for emergency purposes provided approval is granted and satisfactory evidence of such need has been provided.
  - (2) Fences surrounding public utility or hazardous areas are exempt from the height and setback requirements (up to eight feet), and may use up to three strands of barbed wire on security chain link fence provided the barbed wire is at least six feet above average grade.

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- (d) General requirements for fences. Fences may be installed in all front, side, and rear yard setbacks. Fences within the required front yard cannot exceed four feet in height and must be ten feet from edge of the road or edge of right of way whichever is greater. Side and rear yard fences cannot exceed six feet in height. If a fence or wall is needed for safety, security, and/or protection of a hazard, it may be approved by the planning commission upon receipt of satisfactory evidence of the need to exceed the height requirements.
- (1) Fence heights are measured from the lowest point of average grade contiguous to the fence to the average top elevation of the fence. If the fence is installed on a berm the berm is included in the overall height.
  - (2) Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing the right-of-way. Additionally, any fence located within ten feet of a side and/or rear lot line in residential districts shall be placed with the finished side facing the adjoining properties. No fence placed along the water side of any property shall exceed four feet in height, nor shall it block a neighbors view. Materials shall be subject to approval by the zoning officer.
  - (3) Fences located within the clear visibility triangle or on a corner lot and/or located within a driveway visibility triangle shall not exceed three feet in height, as not to obstruct the view of motorists checking the intersecting street for traffic. A chain link fence (with out decorative slatting), or any other type fence that does not exceed 20 percent opacity, would be exempt from the three feet height requirement when located within the visibility triangle. Subject to approval by the zoning officer.
- (e) Construction standards for fences. Fence posts must be resistant to decay, corrosion, and termite, infestation. Fences must also be of sound and sturdy construction, and maintained in a sound condition. Fences adjacent to roadways must have the finished side facing the roadway. Fences cannot be constructed of corrugated or sheet metal, or any scrap or offensive material. Additionally, fences cannot contain broken glass, spikes, barbs, electrical wiring or other dangerous materials without planning commission approval. Finally, fences or walls must be constructed so they do not interfere with drainage.
- (f) Maintenance standards. Fences shall be kept in good repair and with an orderly appearance. Fences that show substantial potential for collapse shall be subject to the requirements of article XIII, Hazardous Building and Lands.

(Ord. No. 5-92, § 4.9, 8-25-92; Ord. No. 05-03, § 1, 6-10-03)

### Sec. 34-359. - Required landscaping.

A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards. All vehicle use areas containing more than 1,000 square feet shall be landscaped as follows:

- (1) For each 24 parking spaces 1,500 square feet of planted area shall be provided with five canopy trees, one understory plant and 12 shrubs. See Figure 1 and Figure 2.
- (2) Proportional amounts of landscaping shall be provided for fractional areas.
- (3) Vehicle use areas designed to accommodate vehicles that are larger or smaller than automobiles, or that do not have designated parking areas, shall meet the requirements of the above figures except that in place of 24 parking spaces, the square footage of 4,800 square feet shall be used.

(Ord. No. 5-92, § 4.10, 8-25-92)

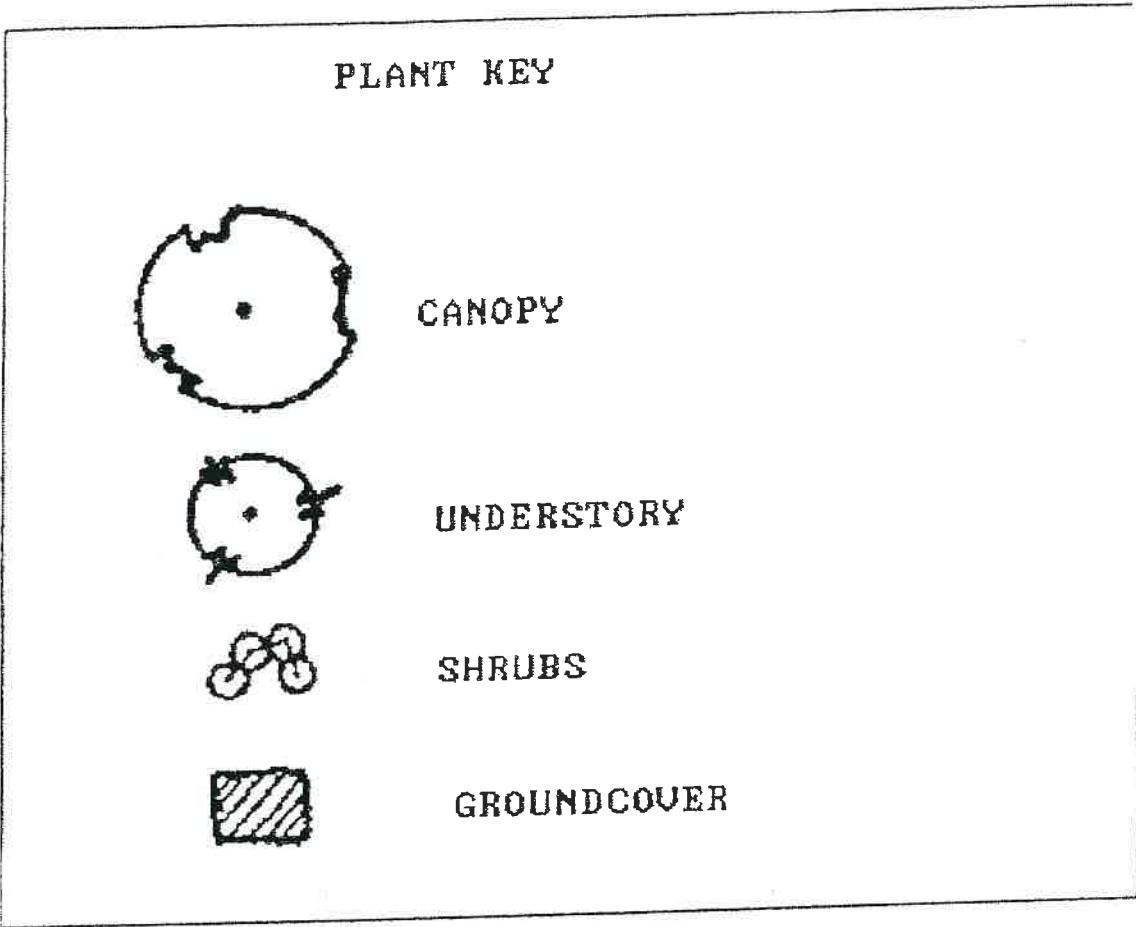
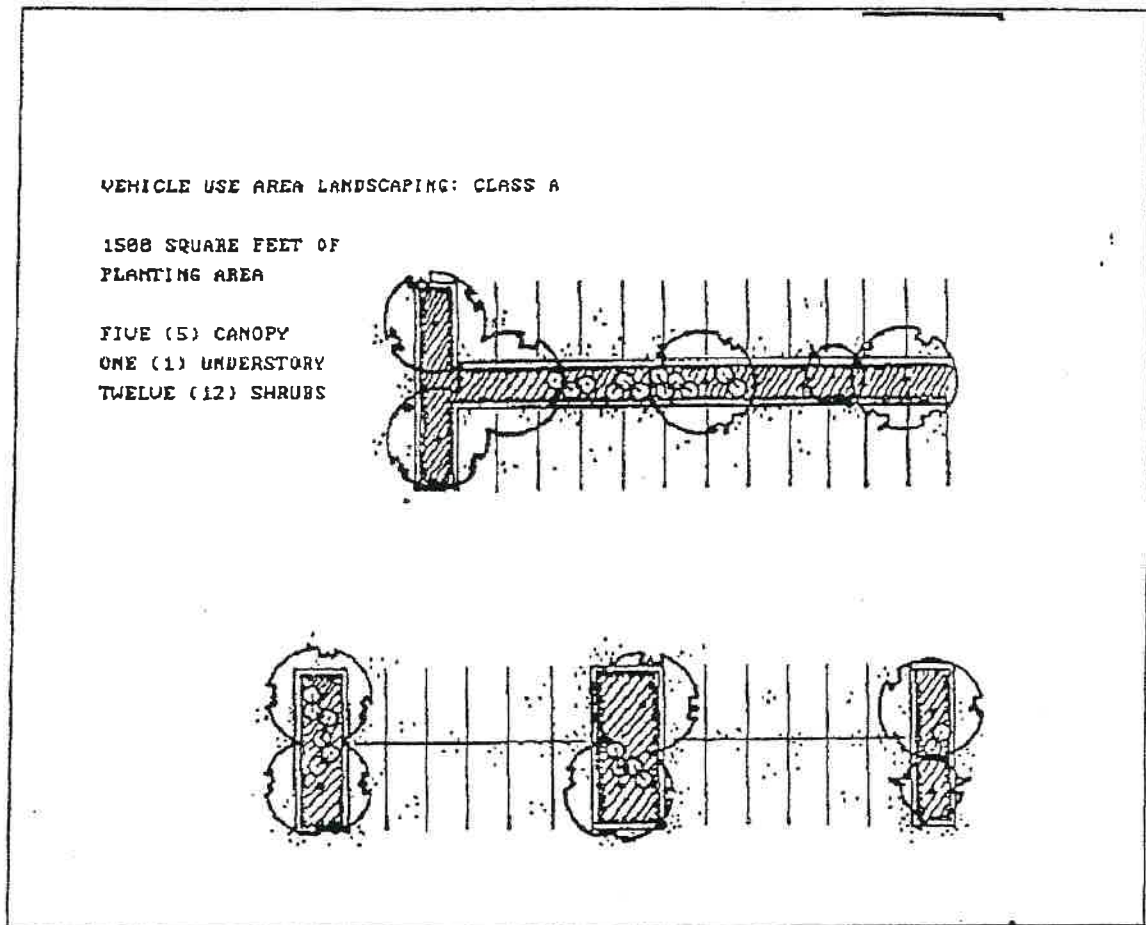


FIGURE 1. PLANT KEY FOR VEHICLE USE ARE LANDSCAPE STANDARDS

FIGURE 2. LANDSCAPING STANDARD



INGLIS LAND DEVELOPMENT REGULATIONS



Sec. 34-360. - Variances.

Variances to conditions for landscaping and buffering requirements as written in preliminary development orders may be made via the process for such variances as specified in article XII of this chapter.

(Ord. No. 5-92, § 4.11, 8-25-92)

Sec. 34-361. - Penalties.

- (a) If the required buffer area and landscaping area as specified in the final development order is not constructed, a certificate of occupancy or use shall not be issued until compliance with the final development order is met.
- (b) If landscaping required in the final development order dies and is not replanted within the time specified in subsection 34-355(a), each day thereafter shall be considered a separate offense punishable by a fine of \$250.00 per offense.

(Ord. No. 5-92, § 4.12, 8-25-92)

Secs. 34-362—34-390. - Reserved.

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### ARTICLE VI. - WELLFIELD AND GROUNDWATER PROTECTION<sup>181</sup>

Sec. 34-391. - Short title.

This article shall be known as the wellfield and groundwater protection regulations of the town land development code.

(Ord. No. 5-92, § 5.2, 8-25-92)

Sec. 34-392. - Authority.

- (a) This article is adopted in compliance with, and pursuant to, the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3202.
- (b) All provisions of this article shall be effective within the incorporated areas of the town, and shall set restrictions, constraints and prohibitions to protect present and future public potable water supply wells and wellfields and groundwater aquifer from degradation by contamination from regulated substances as defined in article I of this chapter.
- (c) All provisions of this article shall be effective outside the town when, pursuant to a development order under F.S. § 380.06, the developer has agreed to be bound by the provisions of local wellhead and groundwater protection ordinances.

(Ord. No. 5-92, § 5.3, 8-25-92)

Sec. 34-393. - Purpose and intent.

- (a) In order to properly protect existing and future groundwater aquifers and potable water supply sources within both the town and the zone of protection area, the town commission declares that the storage, handling, use, disposal or production of hazardous or toxic substances where discharge to groundwater may occur or may be in close proximity to public potable water supply wells, is potentially harmful to the drinking water of town, and that certain land uses and activities involving regulated or generic substances are hereby prohibited or regulated within the town.
- (b) Therefore, the intent of this article is to protect and safeguard the health, safety, and welfare of the residents and visitors of town, by providing criteria for regulating and prohibiting the use, handling, production, disposal, and storage of certain regulated substances which may impair present and future public potable water supply wells, wellfields, groundwater and surface water quality.
- (c) It is the intent of the town commission to augment the policies within the adopted comprehensive plan that protect the groundwater, surface water, wells and wellfields through land use controls and environmental regulations. It is essential to protect the areas adjacent to wells and wellfields from disruption and encroachment in order to preserve vital natural functions relating to water quality, water quantity and other elements of aquatic ecosystems. Since the entire southern boundary of the town is the Withlacoochee River and at the river's edge groundwater and surface water of the Florida Aquifer freely interact, the protection of groundwater throughout the town is also a protection of the surface water of the Withlacoochee River.
- (d) The generic substance list attached hereto and incorporated herein as appendix A of this article, is provided for informational and regulatory purposes and may be amended from time to time by the town commission. Persons using, handling, producing or storing a substance on the generic list may be using, handling, producing or storing a regulated substance as defined by this article. Persons unsure as to whether they are subject to this article may wish to consult with the town engineer.

## INGLIS LAND DEVELOPMENT REGULATIONS

(Ord. No. 5-92, § 5.4, 8-25-92)

Sec. 34-394. - Maps demarcating the zone of protection.

The zone of protection maps developed as described in subsection 34-394(1) are incorporated herein and made a part of this article. These maps shall be on file and maintained by the town clerk. Any amendments, additions or deletions to such maps shall be approved by amendment to this article pursuant to the provisions established by F.S. § 166.041.

- (1) The zone of protection map depicts a circular boundary that has a radius of 300 feet from each public water system well in the town.
- (2) The zone of protection maps may be reviewed at least on an annual basis. However, failure to conduct such review shall not affect the validity of the existing approved map. The basis for updating such map may include, but is not limited to, the following:
  - a. Obtaining the necessary information to perform wellfield pumping models to determine the zone of contribution and zone of influence.
  - b. Changes in the technical knowledge concerning the applicable aquifer.
  - c. Changes in pumping rates of wellfields.
  - d. Wellfield reconfiguration.
  - e. Designation of new wellfields.
- (3) In determining the location of properties and facilities within the zones depicted on the zone of protection map, the following rules shall apply:
  - a. Properties located partially within the zone of protection reflected on the applicable zone of protection maps shall be governed by the restrictions applicable to that zone.
  - b. Where a zone of protection contour or demarcation passes through a facility, the entire facility shall be considered to be in the more restrictive zone.

(Ord. No. 5-92, § 5.5, 8-25-92)

Sec. 34-395. - Uses of land subject to groundwater protection regulations.

The use, handling, production, disposal, and storage of any regulated substances associated with nonresidential activities outside of the zone of protection in C-1, C-2, I, PI, U and T zoning districts shall be required to acquire and maintain an operating permit. The conditions of permitting shall be that as found in subsections 34-396(4)—(9).

(Ord. No. 5-92, § 5.6, 8-25-92)

Sec. 34-396. - Conditions of permitting within the zone of protection.

The use, handling, production, disposal, and storage of regulated substances associated with nonresidential activities is prohibited in the zone of protection, except as provided under the general exemptions and special exemptions provisions of this article.



## INGLIS LAND DEVELOPMENT REGULATIONS

- (1) Existing nonresidential activities. All existing nonresidential activities within the zone of protection which store, handle, use, dispose, or produce any regulated substance shall cease to do so within one year from the date of notification under this article, except as provided in this section. The owners or operators of such activities within the zone of protection shall be notified in writing, by certified mail, or hand delivery, within 90 days of the effective date of the ordinance from which this article is derived as to the requirements to cease the use, handling, storage, disposal, and production of regulated substances. A closure permit application or a general exemption application (if the activity is claimed to be exempted under the provisions of subsection 34-413(c)), or a special exemption application prepared and signed by a professional registered engineer and a geologist certified in the state shall be submitted to the town building official within 90 days of receipt of the notice to cease. Within 30 days of receipt of such notice, the owner or operator shall file with the town building official proof of retention of such engineer and geologist.
- (2) Operating permit required for existing nonresidential activities qualifying for general or special exemptions. Any nonresidential activity in the zone of protection which is allowed to continue in accordance with the general exemptions or special exemptions set forth in this article shall also obtain an operating permit which shall indicate the special conditions to be instituted and the dates on which such conditions shall be instituted. No expansions, modifications or alterations which would increase the storage, handling, use or production of regulated substances shall be permitted in the zone of protection. An owner or operator that is denied a special exemption shall be issued a closure permit as part of the denial process. Any operating permit application shall be filed with the applications for general exemption or special exemption.
- (3) New nonresidential discharges. All new nonresidential discharges, new nonresidential activities or uses and installations, shall be prohibited within the zone of protection subject to the following conditions which shall also be the minimum stated conditions in any final development order:
  - a. No nonresidential installation shall discharge into groundwater, either directly or indirectly, any contaminant that causes a violation in the water quality standards and criteria for the receiving groundwater as established in F.A.C. 62-3, part IV.
  - b. Discharges through natural or manmade conduits, such as wells and sinkholes, that allow direct contact with groundwater are prohibited, except for:
    1. Projects designed to recharge aquifers with surface water of comparable quality;
    2. Projects designed to transfer water across or between aquifers of comparable quality; and
    3. Storage or conservation, or pollutant-treated residential stormwater discharging through wet retention/detention ponds.
  - c. Industrial or commercial stormwater direct discharges to retention/detention ponds are prohibited.
  - d. New discharge to groundwater of industrial waste that contains hazardous constituents listed in the appendices A and E hereby adopted and incorporated by reference, shall be prohibited.
  - e. There will be no new industrial land uses or zoning within the zone of protection.
  - f. Construction and operation of new sanitary landfills in the zone of protection shall be prohibited. Operation of all existing sanitary landfills in the zone of protection will be terminated within one year and a permanent leachate monitoring system installed to monitor movement of leachate.



## INGLIS LAND DEVELOPMENT REGULATIONS

- g. Commercial or industrial septic tank disposal systems are prohibited in the zone of protection.
- (4) Quality of discharge to groundwater. Direct discharge to groundwater is prohibited; however, new and existing nonresidential indirect discharge to groundwater shall comply with the primary and secondary standards (F.A.C. 62-3, part IV) at the end of the discharge pipe. Additionally, more stringent monitoring requirements than the existing state law may be implemented. More stringent monitoring requirements may include increased monitoring frequency, increased number of parameters, or increased number of monitoring wells. Such determinations will be made by the town on a case-by-case basis by considering soil conditions, quality and volume of the waste stream and the point of discharge.
- (5) Stormwater discharge.
- a. Indirect discharge from new stormwater facilities shall be monitored according to F.A.C. 62-28.700(6). Such facilities may be required to implement more stringent monitoring requirements which may include increased monitoring frequency, increased number of parameters, or increased number of wells. Such determination will be made by the town engineer on a case-by-case basis by considering soil conditions, quality and volume of the waste stream, and the point of discharge.
  - b. In commercial, industrial, utility, timber, and public-institutional zoning districts stormwater runoff facilities will be required to have a double pond detention/retention system for new facility installations. The first pond will be "off-line" and lined to prevent leakage and be designed to hold the first inch of runoff. Sludge from the first pond will be disposed of in accordance with FDEP rules and regulations. The second retention pond will accept overflow from the detention pond. Existing facilities will be required to obtain an operating permit and perform groundwater quality monitoring for groundwater pollution.
- (6) Underground storage facilities.
- a. New underground storage facilities. New underground storage facilities within the zone of protection shall meet the following requirements:
    - 1. Double-walled tank and piping with a continuous leak detection system in between the walls; or
    - 2. An impervious secondary containment having monitoring well(s) or detector located therein; and
    - 3. For each of the above options, it is required that the facility install and maintain a groundwater monitoring system, and implement a groundwater monitoring program approved by the town.
  - b. Existing underground storage facilities not meeting the construction retrofit standards of F.A.C. 62-761. Existing underground storage facilities within the zone of protection not meeting the construction retrofit requirements of F.A.C. 62-761, shall be retrofitted in accordance with F.A.C. 62-761, and shall also meet the requirements for new facilities under subsection 34-396(6)a above.

## INGLIS LAND DEVELOPMENT REGULATIONS

- c. Existing underground storage facilities meeting the construction retrofit standards of F.A.C. 62-761. Within the zone of protection underground storage facilities meeting the construction retrofit requirements of F.A.C. 62-761, are exempt from the requirements in subsection 34-396(6)a, with the exception of being required to develop and maintain, or improve and enhance their groundwater monitoring programs. Nothing herein shall be construed to relieve facilities subject to F.A.C. 62-761 requirements from complying with the requirements of that chapter.
- (7) Underground transport pipelines.
    - a. New domestic wastewater pipelines. New underground facilities for transportation of domestic raw wastewater within the zone of protection shall be constructed not to allow leakage into the soil or groundwater. These facilities shall not cause violations of groundwater quality standards as referenced in F.A.C. 62-520.420.
    - b. New chemical pipelines. New underground facilities for transportation of chemical products within the zone of protection shall be constructed to ensure no leakage into the soil or groundwater.
  - (8) Discharge of treated domestic wastewater effluent.
    - a. New discharge to groundwater of treated domestic waste effluent meeting domestic wastewater plant Class I reliability shall meet all applicable county, state or federal regulations, and shall have daily monitoring to assure proper treatment plant process control, and 24-hour-a-day attendance by a wastewater operator as required by F.A.C. 17-16, and under the general supervision of a Class A certified wastewater operator, shall be allowed to operate provided that the discharge from such plant shall meet the groundwater criteria as specified in F.A.C. 62-520.420, prior to contact with groundwater (end of pipe). Treated domestic waste effluent discharge employing land application shall be restricted to slow-rate infiltration methods. At no time will an effluent disposal area be within 500 feet of potable supply wells.
    - b. New single-family residential septic tanks in the zone of protection will be exempt from this regulation provided they meet the minimum locational criteria of one septic unit per five acres.
  - (9) Conflict with other regulations. A notice to cease or, a permit or exemption issued under this article, shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement. Nor shall such notice permit, or exemption relieve, any owner or operator of any liability for violation of such regulations, rules, ordinances or requirements.

(Ord. No. 5-92, § 5.7, 8-25-92)

### Sec. 34-397. - Permit conditions.

The permit conditions shall ensure compliance with all the prohibitions, restrictions, and requirements as set forth in this article. Such conditions may include but are not limited to monitoring wells, periodic groundwater analysis reports, and compliance schedules. Such conditions may also include requirements in a closure permit to reduce the risk in the interim of contamination of the groundwater, taking into account cost, likely effectiveness and degree of risk to the groundwater.

(Ord. No. 5-92, § 5.8, 8-25-92)

## INGLIS LAND DEVELOPMENT REGULATIONS

### Sec. 34-398. - Permit requirements.

- (a) No preliminary or final development order, building permit, occupational license, or certificate of occupancy for any nonresidential activity shall be issued by the town that would allow uses regulated for the protection of groundwater or that would allow activities, development or construction in the zone of protection, that is contrary to the restrictions and provisions provided in this article. Permits or occupational licenses issued in violation of this section confer no right or privilege on the grantee.
- (b) The requirements and provisions of this article shall apply immediately upon the effective date of the ordinance from which this chapter was derived and thereafter to all new nonresidential activities.
- (c) An existing activity is one for which a building permit or certificate of occupancy has been issued by the town or appropriate jurisdiction prior to the effective date of the ordinance from which this chapter was derived, and which had not expired on or before the effective date of the ordinance from which this chapter was derived. All other activities shall be deemed new.
- (d) Any application for development that includes property wholly or partially within the zone of protection of a wellfield or is for a use outside of the zone of protection but is regulated under section 34-395 shall include the following:
  - (1) Notification by the local governing authority of the location of the property in the zone of protection or of being a use outside of the zone of protection subject to groundwater protection regulations and a notarized letter from the applicant admitting acceptance of notification. Notification shall be prepared by the town building official providing details of zones, prohibitions, and measures required for compliance; or
  - (2) Any application submitted for an occupational license or certification of occupancy, for any use within the zone of protection or for regulated uses outside of the zone of protection, shall require certification by a licensed professional engineer in the state that the use meets the applicable requirements of final development order and this article.
- (e) It shall be the duty of the town building official or planning commission, where applicable, to screen all development permit applications and applications for occupational licenses for the applicability of this article.
- (f) The town building official shall provide a list to all governmental agencies of potentially prohibited operations in the zone of protection and uses regulated for groundwater protection.

(Ord. No. 5-92, § 5.9, 8-25-92)

### Sec. 34-399. - Change of ownership and leaseholds.

In the event there is a change of ownership, a new lease, or an assignment of a lease, a sublease or any other change in regard to the person conducting the operation regulated, the town building official shall be notified by the property owner upon execution of a lease or on the day of title transfer. In the event of leasing of space, the lessee will obtain the permit, but the property owner will be liable for the on-site activities relative to the conditions of the permit. The property owner will be notified by the town building official of any permit application made by a lessee and the conditions imposed on any permit granted.

(Ord. No. 5-92, § 5.10, 8-25-92)

### Sec. 34-400. - Wellhead and groundwater protection permits.



## INGLIS LAND DEVELOPMENT REGULATIONS

- (a) An application which satisfied the requirements of the applicable zone of protection regulations or groundwater protection regulations of sections 34-395, 34-396, 34-397, 34-398 and, if applicable, section 34-401, shall be approved and a permit issued, or shall become a written condition of a preliminary development order, whichever is applicable. In addition to the failure to satisfy these requirements, the town building official or planning commission, whichever is applicable, may deny a permit based on repeated violations of this article.
- (b) An operating permit shall remain valid provided the permittee is in compliance with the terms and conditions of the permit.
- (c) Permittees shall not be required to pay annual renewal fees until August 25, 1993. Beginning August 25, 1994, all current and future permittees are subject to an annual renewal license fee as adopted by the town commission.
- (d) The town building official, code enforcement officer, fire chief, town engineer, or other designee shall have the right to make inspections of facilities at reasonable times to determine compliance with this article.
- (e) All of the facilities owned and/or operated by one person when these structures and activities are located on contiguous parcels of property, even where there are intervening public or private roads, may be covered under one permit.

(Ord. No. 5-92, § 5.11, 8-25-92)

### Sec. 34-401. - Operating permit requirements and liabilities.

- (a) Containment. Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size and design (no less than 150 percent of container volume) to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any regulated substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by the town engineer. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to aboveground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by a professional engineer certified in the state.
- (b) Emergency recovery devices. Vacuum suction devices, absorbent scavenger materials or other devices approved by the town engineer, shall be present on-site or available within four hours in the zone of protection 24 hours per day and seven days per week by contract with a cleanup company approved by the town fire chief, in sufficient magnitude so as to control and collect the total quantity of regulated substances present. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances plus absorbent material. The presence of such emergency collection devices shall be certified annually in the operating permit application for existing activities. Such certification for new activities shall be provided to the town building official prior to the presence of regulated substances on the site. Certification shall be provided by a professional registered engineer certified in the state.



## INGLIS LAND DEVELOPMENT REGULATIONS

- (c) Emergency plan. An emergency plan shall be prepared in accordance with conditions specified in the final development plan for which a final development order has been issued. The emergency plan shall be filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a regulated substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.
- (d) Monitoring frequency. A responsible person designated by the permittee who stores, handles, uses or produces the regulated substances shall check every day of operation for breakage or leakage of any container holding the regulated substances. Electronic sensing devices may be employed as part of the inspection process, if approved by the town engineer, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures the town engineer that breakage or leakage can be detected by the inspection. Monitoring records shall be kept, submitted quarterly, and made available to the town building official or fire chief within 24 hours, upon request. Quarterly, each facility will be inspected by the town fire chief, its monitoring procedures reviewed by the planning commission, and water quality samples taken by the permittee and analyzed with verification by a laboratory certified to perform water quality analysis in the state.
- (e) Monitoring plan. The monitoring plan shall state the procedures that shall be established for the quarterly in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be in writing. A regular checklist and schedule of maintenance shall be established and a log shall be kept of inspections and maintenance. The logs and records shall be available for inspection by the town building official.
- (f) Reporting of discharges and spills, response time. Any spill of a regulated substance shall be reported by telephone to the public utility which operates the well in the zone of protection where the spill has occurred. Immediately upon discovery of the discharge or spill, the county warning point which is the county sheriff's dispatch center, shall be contacted. The county warning point will coordinate timely notification of the emergency management service director and other local emergency response agencies. A full written report including the steps taken to contain and clean up the spill shall be submitted to the town commission within 15 days of discovery of the spill. Reporting shall be the same for regulated uses not in a zone of protection, except that the public utility need not be notified.
- (g) Periodic testing. Arrangements shall be made with the representative for the town water system to establish a semiannual schedule of on-site raw water analysis unless sampling results indicate contamination, in which case the town building official shall require an increased sampling schedule. The analysis shall be for all substances which are listed on the operating permit. The analytical reports shall be prepared by either a representative for the town water system or in a state certified laboratory, certified for the applicable analyses. It shall be the responsibility of the representative for the town water system to provide for the sampling and analyses, but the cost shall be borne by the permittee or those permittees on a pro-rata basis as to the same substances listed on the permits of those permittees in zones of protection of the subject well. Samples shall be taken to the town water system certified laboratory performing the analyses, or its authorized representative.
- (h) Baseline testing. A reference set of raw water analyses shall be completed for each well for which a zone of protection map has been established. The analyses shall be completed within 120 days after the effective date of the ordinance from which this chapter is derived, and a copy shall be forwarded to the town building official within 14 days of completion. The analyses shall address unregulated substances as listed in F.A.C. 62-550, as amended from time to time, and as shown in appendix E, and the cost shall be borne by the utility. The analytical reports shall be prepared by the representative for the town water system in a state certified laboratory.

## INGLIS LAND DEVELOPMENT REGULATIONS

- (i) Monitoring wells. Groundwater monitoring wells shall be provided at the expense of the permittee in a manner, number and location as stated in the final development plan approved in a final development order and which at least meets the criteria as shown in appendix G. Except for existing wells found by the town engineer to be adequate for this provision, the required well or wells shall be designed by a state certified geologist, and installed by a state licensed water well contractor under the supervision of a state certified geologist. On completion of well construction, a report will be submitted by the geologist to the town building official detailing final well construction geology and a map of the facility showing well location. Quarterly, water quality samples shall be taken by the town water system's state certified laboratory performing the analyses, or its authorized representative during the quarterly inspection of each facility. Analytical reports prepared by the town water system certified laboratory of the quantity present in each monitoring well of the regulated substances listed in the activity's operating permit shall be filed with the town building official at least annually, or more frequently as determined by the town building official, based upon site conditions and operations.
- (j) Required modification to operating permits, revisions and revocation. The town building official shall be notified in writing prior to the expansion, alteration or modification of a business or individual holding an operating permit. Such expansion, alteration, or modification may result from increased square footage of production or storage capacity, or increased quantities of regulated substances, or changes in types of regulated substances beyond those square footages, quantities, and types upon which the permit was issued. Excluded from notification prior to alteration or modification are changes in types of regulated substances used in a laboratory or laboratories designated as such in the currently valid permit and which are within the generic substances listed in such permit based upon the generic substance list attached hereto and incorporated herein as exhibit A. Should a facility add new regulated substances, it shall notify the town building official on the quarterly basis of the types and quantities of such substances added and the location of the use, handling, storage, and production of such substances. Any such expansion, alteration, or modification shall be in strict conformity with this article. Further, except as provided herein, any existing operating permit shall be amended to reflect the introduction of any new regulated substances resulting from the change. However, the introduction of any new regulated substance shall not prevent the revocation or revision of any existing operating permit if, in the opinion of the town engineer, such introduction substantially or materially modifies, alters or affects the conditions upon which the existing operating permit was granted or the ability to remain qualified as a general exemption, if applicable, or to continue to satisfy any conditions that have been imposed as part of a special exemption. The town building official shall notify the permittee in writing within 60 days of receipt of the permittee's notice that the town proposes to revoke or revise the permit and stating the grounds therefor.
- (k) Reconstruction of a structure with an operating permit. Reconstruction of any portion of a structure or building in which there is any substance or facility subject to the provisions of this regulation which is damaged by fire, vandalism, flood, explosion, collapse, wind, war or other catastrophe shall be in strict conformity with this article.

(Ord. No. 5-92, § 5.12, 8-25-92)

Sec. 34-402. - Permit applications.

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- (a) Existing development. All existing nonresidential activities in the zone of protection which use, handle, store, dispose of or produce regulated substances shall file an application for a general exemption and an operating permit, a closure permit, or special exemption permit within 90 days of the receipt of a written notice from the town building official given pursuant to subsection 34-396(1). The permit application shall be prepared and signed by a professional registered engineer and geologist certified in the state. Within 30 days of receipt of such notice, the owner or operator shall file with the town building official proof of retention of such engineer and geologist in accordance with FDEP statutes. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within one year of the denial and an application for a closure permit shall be filed within 120 days of the denial of the operating permit.
- (b) New development. All new development outside of the zone of protection subject to the groundwater protection regulations as identified in section 34-395 shall apply for an operating permit as part of the development review application preliminary development plan.
- (c) Operating permits. Operating permit applications and applications for a preliminary development order, as a minimum, shall provide the following information:
  - (1) A list of all regulated substances and substances on the generic substance list which are to be stored, handled, used, disposed of or produced in the nonresidential activity being permitted including their quantities.
  - (2) A detailed description of the nonresidential activities that involve the storage, handling, use, disposal or production of the regulated substances indicating the unit quantities in which substances are contained or manipulated.
  - (3) A description of the containment, the emergency collection devices and containers and copy of the emergency plan that will be employed to comply with the restrictions required for the zone of protection or groundwater protection.
  - (4) A description of the daily monitoring activities that have been or will be instituted to comply with the restrictions for the zone of protection or groundwater protection.
  - (5) A description of the maintenance that will be provided for the containment facility, monitoring system, and emergency equipment required to comply with the restrictions of groundwater protection or the zone of protection.
  - (6) A description of the groundwater monitoring wells, including the latitude and longitude, location map, construction design, geology log and water quality analysis that have been or will be made for certified quarterly analyses for specified regulated substances in the zone of protection or for groundwater protection.
  - (7) Evidence of arrangements made with the appropriate designated public utility for sampling analysis of the raw water from the potable water well pursuant to subsections 34-401(g)—(i).
  - (8) An agreement to indemnify and hold town harmless for any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. The town shall provide reasonable notice to the permittee of any such claims.
  - (9) The application for the operating permit shall be filed with the town building official within 90 days of receipt of written notification from the town building official of the requirement for the facility to obtain an operating permit, or within the time limitations set forth in a final development order.



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- a. No permit herein required shall be issued unless there is filed at the time of application, except in the case of an application by a political subdivision or agency of the state, a cash bond, rate bond or letters of credit with a corporate surety in the amount required by appendix B, attached hereto and incorporated herein, to ensure that:
    1. The permittee will operate its nonresidential activities or closure of such nonresidential activities, as applicable, in accordance with the conditions and requirements of this article and permits issued hereunder.
    2. Before a bond or letter of credit is accepted by the town building official as being in compliance with this section, the bond or letter of credit shall be reviewed and approved by the town attorney and shall be filed with the town clerk. A corporate bond shall be executed by a corporation authorized to do business in the state as a surety. A cash bond shall be deposited with the town clerk who shall give receipt therefor.
    3. The bond or letter of credit required by this section shall be kept in full force and effect for the first year of the permit. In the event of verification of groundwater contamination at a facility subject to groundwater protection, or within the zone of protection, the town commission will have the option of requiring the bond or letter of credit to be reinstated.
  - b. Any person subject to regulation under this article shall be liable with respect to regulated substances emanating on or from the person's property for all costs of removal or remedial action incurred by the town and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss resulting from the release or threatened release of a regulated substance as defined in this article. Such removal or remedial action by the town may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of regulated substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any regulated substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.
- (d) Closure permits. Closure permit applications shall provide the following information:
- (1) A schedule of events to complete the closure of a facility that does or did store, handle, use, dispose of or produce regulated substances. As a minimum, the following actions shall be addressed:
    - a. Disposition of all regulated substances and contaminated containers.
    - b. Cleanup of the activity and environs to preclude leaching of unacceptable levels of residual regulated substances into the aquifer.
    - c. Certification by a professional registered engineer and a geologist, certified in the state, that disposal and cleanup have been completed in a technically acceptable manner, based on the following criteria:
      1. The entire operation is maintained inside the building(s) of the facility.
      2. The standard method of removing operating waste is not by septic tank, sewer mains or floor drains.
      3. There is no evidence of spills permeating floors or 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 the facility in the zone of protection.



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6. The applicant shall provide a sworn statement that disposal and cleanup have been completed in a manner acceptable to the town engineer.
  - d. An appointment for an inspection by the town engineer.
  - e. An agreement to indemnify and hold town harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. The town shall provide reasonable notice to the permittee of any such claims.
- (2) The issue of well reconfiguration shall be evaluated by the town commission and the affected public utility as an alternative to a closure permit during the permit application process.
- (3) The town commission and designated agencies shall be advised in writing of each closure permit application.

(Ord. No. 5-92, § 5.13, 8-25-92)

### Sec. 34-403. - Fee schedule.

- (a) The fee for an operating permit under this regulation shall be as shown in appendix C, attached hereto and incorporated herein. A late fee shall be charged if application for a permit or renewal is late. The operating permit fee shall be used to defray the cost of monitoring compliance with this article.
- (b) The fee for a closure permit under this regulation shall be one-half of the fee for the operating permit.
- (c) The fee for a transfer of an operating permit or closure permit shall be in accordance with the attached fee schedule (appendix C) to defray the cost of processing the transfer. Application for a transfer permit is to be made within 60 days of transfer of ownership of the activity.
- (d) The fee schedule may be revised from time to time by resolution of the town commission.

(Ord. No. 5-92, § 5.14, 8-25-92)

### Sec. 34-404. - Revocation or revision of permit, general exemption or special exemption.

- (a) Any permit issued under the provisions of this article shall not become vested in the permittee. The town building official will revoke any permit under a written statement of cause by the code enforcement officer by first issuing a written notice of intent to revoke (certified mail return receipt requested, or hand delivery) if it finds that the permit holder:
  - (1) Has failed or refused to comply with any of the provisions of this article, including but not limited to permit conditions and bond requirements herein; or
  - (2) Has submitted false or inaccurate information in this application; or
  - (3) Has failed to submit operational reports or other information required by this article; or
  - (4) Has refused lawful inspection; or
  - (5) Is subject to revocation under any provision of this article or chapter.
- (b) The town building official may revise any permit by first issuing a written notice of intent to revise (certified mail return receipt requested, or hand delivery).

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- (c) In addition to the provisions of subsections 34-404(a) and (b), within 30 days of any spill of a regulated substance on the premises of a use subject to groundwater protection regulations or in the zone of protection, the town building official shall consider revocation or revision of the permit or revise the bond amount. Upon such consideration the town building official may issue a notice of intent to revoke or revise which shall be subject to the provisions of section 34-405, or elect not to issue such notice. In consideration of whether to revoke or revise the permit, the town building official may consider the intentional nature or degree of negligence, if any, associated with this spill, and the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.
- (d) For any revocation or revision, by the town building official, of a special exemption or general exemption that requires an operating permit as provided under the terms of this article, the town building official shall issue a notice of intent to revoke or revise which shall contain the intent to revoke or revise both the applicable exemption and the accompanying operating permit.
- (e) The written notice of intent to revoke or revise shall contain the following information:
  - (1) The name and address of the permittee, if any, and property owner, if different.
  - (2) A description of the facility which is the subject of the proposed revocation or revision.
  - (3) Location of the spill, if any.
  - (4) Concise explanation and specific reasons for the proposed revocation or revision.
  - (5) A statement that "Failure to file a petition within 30 days after the date upon which permittee receives written notice by certified or registered letter to the lessor and land owner of the intent to revoke or revise shall render the proposed revocation or revision final and in full force and effect."
- (f) Failure of permittee to file a petition shall render the proposed revocation or revision final and in full force and effect.
- (g) Nothing in this section shall preclude or be deemed a condition precedent to the town building official seeking a temporary or permanent injunction.

(Ord. No. 5-92, § 5.15, 8-25-92)

Sec. 34-405. - Powers and duties of the town building official.

The town building official shall have the following powers and duties:

- (1) Administer and enforce the provisions of this article.
- (2) Investigate complaints, study and observe pollution conditions and make recommendations as to the institution of action necessary to abate nuisances caused by pollution, and as to prosecution of any violation of this article.
- (3) Make appropriate surveys, tests, and inspections of property, facilities, equipment, and processes operating under the provisions of this article to determine whether the provisions of this article are being complied with; interact with the state department of environmental protection, and make recommendations for methods by which pollution may be reduced or eliminated. Inspections shall be conducted in accordance with section 34-406.
- (4) Maintain, review, and supervise all operating records required to be filed with the town building official by persons operating facilities subject to the provisions of this article.

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- (5) Render all possible assistance and technical advice to persons owning and/or operating regulated facilities, except that the town building official and/or its employees shall not design the facility systems for any person.
- (6) Perform such other administrative duties as may be assigned by the town commission.
- (7) Issue or deny permits, when applicable, only as specified in a final development order.

(Ord. No. 5-92, § 5.16, 8-25-92)

### Sec. 34-406. - Inspections.

Inspections shall be conducted as follows:

- (1) Any duly authorized representative of the town commission or town building official may, at any reasonable time, enter and inspect for the purpose of ascertaining the state of compliance with this article any property, premises, or place, except a building which is used exclusively for a private residence, on or at which a regulated facility is located or is being constructed or installed or where records which are required under this article are kept.
- (2) Any duly authorized representative of the town commission or town building official may, at reasonable times, have access to and copy any records required under this chapter; inspect any monitoring equipment or method; sample for any hazardous material which the owner or operator of such source may be discharging or which may otherwise be located on or underlying the owner's or operator's property; and obtain any other information necessary to determine compliance with permit conditions or other requirements of this chapter.
- (3) No person shall refuse entry or access to any authorized representative of the town commission or town building official who requests entry for purposes of inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. The owner or operator of the premises shall receive a report, if requested, setting forth all facts found which relate to compliance status.
- (4) Install and sample monitor wells in facilities suspected of causing groundwater pollution. All costs associated with these activities will be born by the facility if the facility is proved to be the source of pollution, or the facility is in noncompliance with its operating permit.

(Ord. No. 5-92, § 5.17, 8-25-92)

### Sec. 34-407. - Protection of future wellfields.

The prohibitions and restrictions set forth in this article and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the town commission as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the town commission of the zone of protection maps for the designated future wellfield. Prior to final action by the town commission in designating a future wellfield or approving the zone of protection map for those wellfields, all property owners and discernable operating activities within the area affected shall receive notice pursuant to the provisions established by F.S. § 166.041(c).

(Ord. No. 5-92, § 5.18, 8-25-92)

### Sec. 34-408. - Appeal procedures for existing activities.

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- (a) Any existing activities affected by a decision of the town building official in the enforcement or interpretation of any of the terms or provisions of this article, for the initial issuance of permits to development in existence at the time of adoption of the ordinance from which this chapter was derived, may appeal such decision to the town commission. Such appeal shall be taken by filing written notice thereof with the town clerk, within 30 days after the decision of the town building official. Each such appeal shall be accompanied by a payment in sufficient amount to cover the cost of publishing and mailing notices of hearing or hearings.
- (b) Any person may appeal to the town commission for the following reasons:
- (1) To appeal the town building official's denial of a general exemption or a denial of permits based on nondisclosure of a trade secret.
  - (2) To appeal an intent to revoke or revise an operating permit and a general or special exemption.
  - (3) To request a special exemption, written petitions for relief shall be filed with the town clerk and the factual basis for the relief requested. The petitions shall include all materials and documents which are necessary to support the specific relief requested in the petitioner's request. Except in the case of an application for special exemption, a written request for relief shall be filed with the town clerk within 30 days after the date upon which either the petitioner received written notice of an intent to revoke or revise a permit, or, a general exemption or trade secret protection has been denied. Failure to file within 30 days shall constitute a waiver of the person's right to an administrative hearing. The filing of a petition authorized by this section shall stay all proceedings with respect to the matters that are contained in the petition until there is a final decision of the town commission as provided herein.

(Ord. No. 5-92, § 5.19, 8-25-92)

Sec. 34-409. - Hearing date for existing activities.

- (a) All appeals and applications shall be heard within 45 days of the date from which the petition and supporting data are filed with the town clerk.
- (b) Notice of hearing shall be served upon the applicant or permittee and property owner, if different, by hand delivery or by certified mail, return receipt requested, no less than ten days prior to the hearing. When the owner or responsible individuals are not present or are avoiding service of the notice of hearing, service shall be accomplished by posting copies of the notice of hearing in a conspicuous place on the premises of the facility that is the subject of the appeal.

(Ord. No. 5-92, § 5.20, 8-25-92)

Sec. 34-410. - Contents of notice of hearing for existing activities.

A notice of hearing shall contain those items below:

- (1) Name and address of the petitioner and property owner, if different;
- (2) Description of the facility;
- (3) Article, section or regulation section alleged to have been the basis of the denial or proposed revocation or revision;
- (4) Time, date and place of the hearing;
- (5) A statement that "Failure to attend may result in an order being issued adverse to your interest";



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- (6) A statement that all parties shall be given the opportunity to present witnesses and evidence in support of their position; and
- (7) A statement reflecting the requirements of F.S. ch. 286 regarding a verbatim record of the proceedings.

(Ord. No. 5-92, § 5.21, 8-25-92)

Sec. 34-411. - Computation of time periods of notification for hearings on existing activities.

In computing the period of time within which an appeal must be taken from the denial of a permit, general exemption or special exemption, application for nondisclosure, formal intent to revoke or revise a permit, the day of receipt of notice of such denial or intent to revoke or revise shall not be included. In computing the period of time in which the town commission must set a hearing date, the date on which the town clerk receives the written petition and accompanying information shall not be included. In computing the period within which notice shall be provided prior to the hearing, the date of the hearing shall not be included. The last day of any period of time herein provided shall be counted, unless it is a Saturday, Sunday or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or a legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation when any period of time prescribed in the article is less than ten days. Where such period is ten days or greater, Saturday, Sunday and legal holidays shall be included.

(Ord. No. 5-92, § 5.22, 8-25-92)

Sec. 34-412. - Hearing procedures.

- (a) Hearings concerning the application for operating permits for new activities as defined by this chapter shall follow the hearings procedure for appealing decisions found in section 34-43.
- (b) Hearings concerning the denial of operating permits, special exemptions or general exemptions that arise for uses and activities in existence at the time of adoption of this chapter shall be conducted as follows:
  - (1) All testimony shall be under oath and shall be recorded.
  - (2) If there is a proper notice of hearing as provided in subsection 34-409(b), the hearing may proceed in the absence of the alleged petitioner and properly owner, if different.
  - (3) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence shall be admissible in a trial in the courts of the state. Any part of the evidence may be received in written form. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
  - (4) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available.
  - (5) The rules or privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
  - (6) Each party shall have the following rights:
    - a. To be represented by counsel;

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- b. To call and examine witnesses;
  - c. To introduce exhibits;
  - d. To cross examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;
  - e. To impeach any witness regardless of which party called the witness to testify;
  - f. To rebut the evidence.
- (7) Any interested party or person whose substantial interests are affected may make application, and upon good cause shown, may be allowed by the town commission to intervene in a pending proceeding.
- (8) In an appeal of an intent to revoke or revise a special exemption or general exemption that also requires an operating permit under the terms of this regulation, the appeal of both the intent to revoke or revise the applicable exemption and the accompanying permit shall be consolidated into one hearing.
- (9) At all hearings, the town commission shall hear and consider all facts material to the appeal or application for special exemption and shall thereafter issue a decision based on the competent and substantial evidence presented at the hearing. Such decision may affirm, reverse or modify the action or proposed action of the town building official.
- (10) The decision of the town commission, as applicable, shall be the final administrative action on behalf of the town building official and the town. Any person who is a party to the proceeding before the town commission, if applicable, may appeal to the circuit court of the county, in accordance with applicable Florida Appellate Rules.

(Ord. No. 5-92, § 5.23, 8-25-92)

Sec. 34-413. - Uses and activities qualifying for exemptions.

- (a) Exemption types. Facilities and activities qualifying for an exemption include public utilities, lawns, parks and golf courses, maintenance of office facilities, and retail sales. Exemptions apply only to the zone of protection and are of three types:
- (1) Exemptions requiring no applications or permits;
  - (2) General exemptions which require an application and an operating permit; and
  - (3) Special exemptions which require an application and operating permit.
- (b) Uses and activities eligible for an exemption but requiring no applications or permits.
- (1) The commercial or residential application on residential lawn or commercial landscaping of those regulated substances used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this article provided that:
    - a. In the zone of protection, the application is in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold; and
    - b. In the zone of protection, the application is in strict conformity with the requirements as set forth in F.S. chs. 482 and 487, and F.A.C. 5E-2 and 5E-9.

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- c. In the zone of protection, the application of any of the pesticides, herbicides, fungicides, and rodenticides shall be flagged in the records of the certified operator supervising the use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in the zone of protection for which particular care is required. Records shall be kept of the date and amount of these substances applied at each location and such records shall be available for inspection at reasonable times by the town building official.
  - d. In the zone of protection, the pesticides, herbicides, fungicides, and rodenticides for lawn, golf course or agricultural application shall not be handled during application in a quantity exceeding 700 gallons of formula.
  - e. All nonresidential applicators of pesticides, herbicides, fungicides, and rodenticides who apply those substances within the zones of protection shall obtain an operating permit covering all application operations of those materials under one permit and shall comply with all the requirements of section 34-396. This exemption applies only to the application of pesticides, herbicides, fungicides, and rodenticides. All chemigation and fertigation equipment shall be fitted with backflow devices.
  - f. Mixing and loading sites for pesticides, herbicides, fungicides, and rodenticides shall have seamless concrete loading pads. If wells are present the well shall be tightly cased and backflow prevention devices shall be installed on water dispensing devices. Storage and disposal sites for these substances shall be dry with protection from precipitation, have concrete floors without floor drains, and shall be in a fenced and locked area.
- (2) The transportation of any regulated substance through the zone of protection shall be exempt from the provisions of this article provided the transporting motor vehicle is in continuous transit. The transport of such substances through existing permanent pipelines is also exempt provided that the currently authorized use or uses are not changed and provided that leak detection and monitoring as approved by the town engineer are employed. No general exemption or operating permit application is required except that an operating permit is required to establish the leak detection and monitoring requirements for such existing pipelines.
  - (3) The activities of constructing, repairing or maintaining any facility or improvement on lands within the zone of protection shall be exempt from the provisions of this article provided that all contractors, subcontractors, laborers, material men and their employees when using, handling, storing or producing regulated substances in the zone of protection use those applicable Best Management Practices set forth in appendix D, attached hereto and incorporated herein. No general exemption or operating permit applications are required.
  - (4) Office uses, including the use of regulated substances for the maintenance and cleaning of office buildings in volumes less than ten gallons, shall be exempt from the provisions of this article. No general exemption or operating permit applications are required.
- (c) Uses and activities requiring a general exemption and operating permit.
    - (1) Retail sales establishments in the zone of protection that store and handle regulated substances for resale in their original unopened containers shall be exempt from the prohibition in the zone of protection provided that those establishments obtain a general exemption and an operating permit pursuant to the provisions of section 34-396.



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- (2) The use of any regulated substance solely as fuel in that vehicle or equipment fuel tank or as lubricant in that vehicle or equipment in a private passenger vehicle, commercial lawn service vehicle or residential lawn maintenance equipment shall be exempt from the provisions of this article. No general exemption or operating permit application is required, however, heavy equipment and used parts and equipment storage areas, and other storage areas as defined in the town zoning regulations are not exempt and require operating permits and a general exemption if located in the zone of protection.
- (d) Application for a general exemption. A general exemption application and operating permit in compliance with the provisions of section 34-396 shall be required for any nonresidential activity claiming a general exemption under this section and shall be filed with the town building official.
- (1) Such application shall contain a concise statement by the applicant detailing the circumstances upon which the applicant believes would entitle him or her to an exemption.
  - (2) A fee (as listed in appendix C) shall be filed with the application to defray the costs of processing such application.
  - (3) Application sufficiency. Within 30 working days of receipt of an application for general exemption, the town building official shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then the town building official shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform the town building official within ten working days of the date of the written statement of his or her intent to either furnish the information or have the application processed as it stands. The town building official shall have 90 working days from either the rendering of a sufficiency determination or receipt of additional information making an application sufficient to make a decision.
- (e) Uses and activities qualifying for special exemption.
- (1) Any special exemption granted by the town commission shall be subject to the applicable conditions of sections 34-396 and 34-397 and any other reasonable and necessary special conditions imposed by the town commission. An operating permit shall be issued by the town building official with the applicable conditions of sections 34-396 and 34-397 and any other reasonable and necessary special conditions imposed by the town commission. Such special exemptions shall be subject to revocation or revision by the town building official or code enforcement officer for violation of any condition of such special exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery), or by whatever lawful means necessary when immediate hazard is apparent. Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this article.
  - (2) Special exemptions for the zone of protection are for existing nonresidential facilities only. No new nonresidential activity shall be permitted into the zone of protection after the effective date of the ordinance from which this article is derived if the new nonresidential facility stores, handles, produces, disposes of or uses any regulated substance.
  - (3) An affected person in the zone of protection may petition the town commission for a special exemption from the prohibitions and monitoring requirements set out in section 34-396. In order to obtain such an exemption such person must demonstrate by a preponderance of competent, substantial evidence that:
    - a. Special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply.



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- b. In granting the special exemption, the town commission may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.
- (4) Activities claiming special exemption with adequate technology to isolate the facility or activity from the potable water supply and protect the wellfield must submit:
  - a. A special exemption application claiming special or unusual circumstances and adequate protection technology shall be filed with the town clerk as part of a permit application. It shall be signed by the applicant and professional engineer and certified geologist registered in the state.
  - b. Such application shall contain a concise statement by the applicant detailing the circumstances which the applicant feels would entitle him or her to an exemption pursuant to subsection 34-413(e)(3) above.
- (5) A nonrefundable fee as listed in appendix C shall be filed with the application to defray the costs of processing such application.
- (f) Uses and activities requiring a special exemption and operating permit. Existing fire, police, emergency medical services and emergency management center facilities are required to obtain an operating permit and special exemption.
- (g) Application for a special exemption. The application for special exemption shall contain but not be limited to the following elements:
  - (1) Description of site. A description of the situation at the site requiring isolation from the wellfield, including:
    - a. A list of the regulated substances in use at the site.
    - b. A site plan of the facility including all storage, piping, dispensing, shipping, etc., facilities.
    - c. What operations at the facility involve regulated substances which must be isolated from the wellfields.
    - d. The location of all operations involving regulated substances.
    - e. A sampling and analysis of the groundwater on the site of the activity seeking a special exemption shall be performed to the satisfaction of the town to determine if any regulated substances are already present which constitute a threat to the water supply.
    - f. An analysis of the affected well showing whether or not such well is already contaminated by any regulated substances and the extent of such contamination.
    - g. A hydrogeologic assessment of the site which shall address, as a minimum, soil characteristics and groundwater levels, directional flow, and water quality and performed by a registered geologist, certified by the state.
  - (2) Technical proposal. A technical proposal to achieve the required isolation including:
    - a. Components to be used and their individual functions;
    - b. Systems tying the components together;
    - c. A discussion and documentation, such as published technical articles, substantiating the performance and reliability of the components individually and the system as a whole. If the system has not been field tested, a discussion and laboratory test documentation to substantiate the proposed performance and reliability of the system;
    - d. Details of the specific plans to install the system at the site.

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- (3) Testing procedures. If the proposed system does not have a proven history of successful in-field operation, it may still be proposed using proven components. A test plan for the system as installed shall be provided to prove that the proposed system works in the field.
  - (4) Backup detection proposal. A technical proposal for backup detection of regulated substances that may elude the isolation system and escape to outside a perimeter to be established by the town engineer. Such proposal shall include emergency measures to be initiated in case of escape of regulated substances.
  - (5) Criteria for success. Site-specific, system performance criteria shall be proposed to ascertain the success of the system. Such criteria shall include but shall not be limited to:
    - a. Performance;
    - b. Reliability;
    - c. Level of maintenance;
    - d. Level of sensitivity to regulated substances;
    - e. Effect of power failure, rain, flood or other natural disaster.
  - (6) Precautions in event of failure. Applicant shall provide information on the on-site availability of substance removal technologies sufficient to remediate any introduction of regulated substances into the water table at the site. Where water is removed from on-site wells during the remedial process a plan shall be proposed for the disposal of such water.
  - (7) Closure plan. A closure plan shall be provided in the event the system does not prove successful in the testing required by subsection 34-413(g)(3) above.
  - (8) Other information. Any other reasonable information deemed necessary by the town commission due to site-specific circumstances.
- (h) Application sufficiency. Within 30 working days of receipt of an application for special exemption the town clerk shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then the town clerk shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform the town building official within ten working days of the date of the written statement of his or her intent to either furnish the information or have the application processed as it stands. At the end of the one-day period the town clerk shall have 14 days to inform the town commission of such application and shall transfer all information accompanying the application to the town commission who shall then proceed with the hearing procedures as provided under section 34-412.

(Ord. No. 5-92, § 5.24, 8-25-92)

Sec. 34-414. - Trade secrets.

The town building official shall not disclose any trade secrets of the permittee that are exempted from such disclosure by federal or state law. Provided, however, the burden shall be on the permittee to demonstrate entitlement to such nondisclosure. Decisions by the town building official as to such entitlement shall be subject to challenge by the permittee by filing a petition with the town hearings division pursuant to appeals process specified in article II of this chapter.

(Ord. No. 5-92, § 5.25, 8-25-92)

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### Sec. 34-415. - Violations, enforcement and penalties.

Failure to comply with the requirements of this article or any permit, exemption, or approval granted or authorized hereunder shall constitute a violation of this article. Violations of the provisions of this article shall upon conviction be punished by a fine not to exceed \$250.00 per day for the first offense and \$500.00 per day for a repeat offense. Each day of violation is considered to be a separate offense pursuant to the provisions of F.S. § 162.21. In addition to the sanctions contained herein, the town may take any other appropriate legal action, including but not limited to, emergency injunctive action, to enforce the provisions of this article.

(Ord. No. 5-92, § 5.26, 8-25-92)

# INGLIS LAND DEVELOPMENT REGULATIONS

## APPENDIX A GENERIC SUBSTANCES LIST

Regulated substances include the generic items listed below and by-products, reaction products, and waste products generated from the use, handling, storage, or production of these items.

Acid and basic cleaning solutions

Antifreeze and coolants

Arsenic and arsenic compounds

Bleaches, peroxides

Brake and transmission fluid

Brine solution

Casting and foundry chemicals

Caulking agents and sealants

Cleaning solvents

Corrosion and rust prevention

Cutting fluids

Degreasing solvents

Disinfectants

Electroplating solutions

Explosives

Fertilizers

Fire extinguishing chemicals

Food processing wastes

Formaldehyde

Fuels and additives

Glues, adhesives, and resins

Greases

Hydraulic fluid

Indicators

Industrial and commercial janitorial supplies

Industrial sludges and stillbottoms



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Inks, printing, and photocopying chemicals

Laboratory chemicals

Liquid storage batteries

Medical, pharmaceutical, dental, veterinary, and hospital solutions

Mercury and mercury compounds

Metal finishing solutions

Oils

Painting solvents

Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds

PCBs

Pesticides and herbicides

Plastic resins, plasticizers, and catalysts

Photo development chemicals

Poisons

Polishes

Pool chemicals

Processed dust and particulates

Radioactive sources

Reagents and standards

Refrigerants

Roofing chemicals and sealers

Sanitizers, disinfectants, bactericides, and algicides

Soaps, detergents, and surfactants

Solders and fluxes

Stripping compounds

Tanning industry chemicals

Transformer and capacitor oils/fluids

Water and wastewater treatment chemicals

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APPENDIX B  
OPERATING AND CLOSURE PERMITS\*

|                   | Zone of Protection |
|-------------------|--------------------|
| Cash Bond         | \$20,000.00        |
| Rate Bond         | \$20,000.00        |
| Letters of Credit | \$20,000.00        |

\*Amounts reflected on this table are for each operating and closure permit issued and may be adjusted by the town building official upon further risk/loss analysis.

## INGLIS LAND DEVELOPMENT REGULATIONS

### APPENDIX C FEE SCHEDULE

- (1) Filing fee: All applicants for a wellhead protection or groundwater protection operating permit shall pay a nonrefundable filing fee of \$25.00. The filing fee shall be applied against other fees prescribed for the issuance of a permit. The filing fee shall be paid prior to acceptance of the permit application for review.
- (2) Wellhead protection or groundwater protection operating permit fee: The fee for a wellhead protection or groundwater protection operating permit under this regulation shall be \$25.00. The wellhead protection operating permit fee shall be used to defray the cost of administering this chapter.
- (3) Closure permit fee: The fee for a closure permit under this regulation shall be one-half of the fee for the wellhead protection operating permit.
- (4) Permit transfer fee: The fee for transfer of a wellhead protection operating permit shall be \$25.00 to defray the cost of processing the transfer.
- (5) Special exemption fee: Any person seeking a special exemption shall pay a fee of \$200.00 to defray the cost of processing the exemption request.
- (6) Annual renewal license fee: Beginning August 25, 1993, an annual renewal license fee shall be collected to defray costs of the administering of this regulation. The fee shall be one-half of the operating permit fee, but not less than \$25.00 per year.
- (7) General exemption fee: Any person seeking a general exemption shall pay a fee of \$100.00 to defray the cost of processing the exemption request.
- (8) Sampling fee: The required quarterly and biannual groundwater quality sampling of permitted facilities within the zone of protection will be assessed a fee of \$50.00/sample by the representative for the town water system to withdraw and transport each groundwater sample. The cost of the sampling will be assessed to the permittee.
- (9) Water quality analysis fee: The representative for the town water system will deliver all groundwater samples to a designated chemistry laboratory for priority pollutant analysis. The cash cost for each analysis to be borne by the permittee, will be \$700.00/sample.

## INGLIS LAND DEVELOPMENT REGULATIONS

### APPENDIX D

#### BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY

- (a) The general contractor, or if none, the property owner, shall be responsible for ensuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any regulated substances. For instance, handling regulated substances in the proximity of water bodies or wetlands may be improper.
- (b) If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 30 gallons, or 250 pounds, or more containing regulated substances shall have constructed below them an impervious containment system constructed of material of sufficient thickness, density and composition that will prevent the discharge to the land, groundwaters, or surface waters of any pollutant which may emanate from such storage tank or tanks. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.
- (c) Each contractor shall familiarize himself with the manufacturer's safety data sheet supplied with each material containing a regulated substance and shall be familiar with procedures required to contain and clean up any releases of the regulated substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
- (d) Upon completion of construction, all unused and waste regulated substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.



INGLIS LAND DEVELOPMENT REGULATIONS

APPENDIX E  
REGULATED AND UNREGULATED CONTAMINANTS OF FLORIDA ADMINISTRATIVE CODE  
RULE 62-550

Unregulated Organic Contaminants

- (1) Purgeables.
  - Bromobenzene
  - Bromodichloromethane
  - Bromoform
  - Bromomethane
  - Chlorobenzene
  - Chloroethane
  - Chloroform
  - p-chlorotoluene
  - Chloromethane
  - Dibromochloromethane
  - Dibromomethane
  - Dichlorodifluoromethane
  - 1,1-dichloroethane
  - trans-1,3-dichloropropene
  - cis-1,2,-dichloroethene
  - trans-1,2-dichloroethene
  - 1,2,-dichloropropane
  - 1,3-dichloropropane
  - 2,2-dichloropropane
  - cis-1,3-dichloropropane
  - Ethylbenzene
  - Methylene chloride (Dichloromethane)
  - 1,1,2-trichloroethane
  - Trichlorofluoromethane
  - 1,2,3-trichloropropane
  - Toluene
  - m-xylene
  - o-xylene
  - p-xylene
  - Styrene
  - m-dichlorobenzene
  - o-dichlorobenzene
  - 1,2-dibromo-3-chloropropane (DBCP)
  - 1,1,1,2-tetrachloroethane
  - 1,1,2,2-tetrachloroethane
  - Methyl tert-butyl-ether (MTBE)

## INGLIS LAND DEVELOPMENT REGULATIONS

- 1,1-dichloropropene
- o-chlorotoluene
- (2) Pesticides.
  - Aldrin
  - Chlordane
  - Dieldrin
  - Heptachlor
  - Aldicarb
  - Aldicarb sulfoxide
  - Aldicarb sulfone
  - Dalapon
  - Carbofuran
  - Oxamyl
  - Simazine
  - Atrazine
  - Picloram
  - Dinoseb
  - Alachlor
  - Metolachlor
  - Diacamba
  - Pentachlorophenol
- (3) Base Neutral Extractables.
  - Bis(2-ethylhexyl) phthalate
  - Butyl benzyl phthalate
  - Di-n-butylphthalate
  - Diethylphthalate
  - Dimethylphthalate
  - 2,4-dinitrotoluene
  - Dioctylphthalate
  - Hexachlorocyclopentadiene
  - Isophorone
  - 2,3,7,8-tetrachlorodibenzo-p-dioxin (Dioxin)
  - 1,2,4-trichlorobenzene
  - PCB-1016
  - PCB-1221
  - PCB-1232
  - PCB-1242
  - PCB-1248
  - PCB-1254
  - PCB-1260

## INGLIS LAND DEVELOPMENT REGULATIONS

### (4) Acid Extactables.

- 2-chlorophenol
- 2-methyl-4,6-dinitrophenol
- Phenol
- 2,4,6-trichlorophenol

### Regulated Inorganic Contaminants

- Arsenic
- Barium
- Cadmium
- Chromium
- Fluoride
- Lead
- Mercury
- Nitrate (as N)
- Selenium
- Silver
- Sodium

### Regulated Organic Contaminants

#### (1) Chlorinated hydrocarbons

- Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a 5 6 7 8 8a-octa-hydro-endo,endo-1,4,+5,8 dimethanonaphthalene)
- Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer)
- Methoxychlor (1,1,1-trichloro-2,2-bis(p-methoxyphenyl)) ethane
- Toxaphene (C<sub>10</sub>H<sub>10</sub>C<sub>8</sub>-technical chlorinated camphene, 67-69 percent chlorine)

#### (2) Chlorophenoxys

- 2,4-D (2,4-dichlorophenoxyacetic acid)
- 2,4,5-TP, Silvex (2,4,5-trichloro-phenoxypropionic acid)

#### (3) Total trihalomethanes (the sum of the concentration of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichlormethane (chloroform)).

#### (4) Volatile organics

- Trichloroethene
- Tetrachloroethene
- Carbon tetrachloride (Tetrachloromethane)
- Vinyl chloride
- 1,1,1-trichloroethane
- 1,2-dichloroethane
- Benzene
- Ethylene dibromide
- p-dichlorobenzene
- 1,1 dichloroethene

## INGLIS LAND DEVELOPMENT REGULATIONS

### APPENDIX F TANK PITS A SAFEGUARD TO PREVENT CONTAMINATION OF WATER SUPPLY AQUIFER BY CHEMICAL SPILLS

- (1) Pits constructed of concrete for portable or future tank installations shall have a certifiable dead load of sufficient weight to prevent floatation (exhibit A) or a combined thickness of floor and roof equal to 73 percent of the inside depth of the pit or 73 percent of the distance from finished ground level to tank floor (exhibit B) whichever is the lesser.
- (2) Pits constructed with the tank in place and anchored to the floor shall have a combined dead load of pit and empty tank equal to the weight of the volume of water displaced by that part of the pit below finished grade.
- (3) Pit shall be of sufficient size to retain all contents of the tank plus a 12-inch free board. A minimum clearance of 24 inches shall be provided on all sides of the tank and its supports. Floor shall have one-quarter-inch per foot fall to an 18-inch by 18-inch by six-inch sump (centered under an access on covered pits for pumping equipment).
- (4) Covered pits subject in any part to vehicular traffic shall be designed to sustain an H-20 loading. Covers shall be removable (exhibit C).
- (5) Open pits shall extend 12 inches above the highest point of the finished grade at the pit.
- (6) Pit walls shall be constructed of waterproofed reinforced concrete or reinforced hollow unit masonry with all cells grout-filled. Pit cover (where used) and floor shall be constructed of waterproofed, reinforced concrete. All concrete shall have a minimum compressive strength of 3,000 psi in 28 days. Working stresses for reinforced masonry shall conform to SBCC Standard Building Code. Plans and specifications shall be prepared and sealed by an engineer or architect registered in the state. Upon completion of construction, the engineer/architect shall certify in writing to the town building official that the construction conforms to these requirements.
- (7) Vents for covered pits shall have the same venting system as required for the tank placed in the pit, both as to capacity, location and arrangement.
- (8) Pit openings other than vents shall be liquidtight, and every connection through which liquid can normally flow shall have a valve located as close as possible to the pit.
- (9) Vent, fill and withdrawal piping shall not pass through floor or walls of the pit, and connections shall be made to preclude breakage from settlement, vibration or contraction.
- (10) Paint interior of concrete pit (both sides of masonry walls if used) with two coats of a waterproofing compound inert to the storage tank contents.
- (11) Leakage shall be monitored weekly, and a log recording the inspection results shall be maintained. Report leakage and spills to the to the county warning point and the local fire department. Do not pump pits! Wait for disposal instructions.
- (12) Open tank inspections may be visual. Covered tanks may have a manual gauge, magnetic, hydraulic or hydrostatic remote reading device, or a sealed float gauge.
- (13) Other containment devices may be submitted for consideration provided that the tank is restrained from floatation under all conditions, that the containing membrane is inert to the liquid stored, that the containing device permits inspection, and if required—withdrawal of the spill without removal of tank.
- (14) In all instances the regulations of the National Fire Protection Association as administered by the local fire department shall prevail.



## INGLIS LAND DEVELOPMENT REGULATIONS

### EXHIBIT A FLOATATION PREVENTION

Pit Dead Load must equal Buoyance

Pit Dead Load lbs.\* = 144 (Vol. cubic feet roof + walls + floor)

\*Add weight of empty tank if permanently anchored.

Buoyance lbs. = 62.35 × Out to Out area of floor × least depth to finished grade. (All measurements in feet)

### EXHIBIT B

### EXHIBIT C

### APPENDIX G

#### OBSERVATION AND MONITORING WELLS

Observation wells, located in tank excavations and collection sumps of secondary containment systems, typically extended two feet below the level of the land or hold-down pad. Monitoring wells, located outside of the tank excavations, enable sampling of groundwater in areas with permeable soil, where the water table is below the bottom of the tanks but within 40 feet of the surface.

Comments:

- (A) The size, number, and location of wells is largely dictated by building codes and physical conditions.
- (B) Wells should be constructed of factory perforated or slotted PVC, galvanized or coated metallic pipe with 0.020 inch openings and permeable backfill material to permit water or released product to flow freely into the well.
- (C) Access covers and well construction should restrict infiltration of surface water.
- (D) Wells should be clearly marked with a black equilateral triangle on a white background and a durable label, warning against the accidental or intentional introduction of petroleum products into the well.

Secs. 34-416—34-450. - Reserved.

## INGLIS LAND DEVELOPMENT REGULATIONS

### ARTICLE VII. - FLOODPLAIN MANAGEMENT<sup>(2)</sup>

**Editor's note**—Ord. No. 03-12, § 2, adopted Nov. 13, 2012, repealed Art. VII in its entirety and enacted a new Art. VII to read as set out. Former Art. II, §§ 34-451—34-505, pertained to flood damage prevention and derived from Ord. No. 5-92, §§ 6.2—6.25, adopted Aug. 25, 1992; Ord. No. 10-00, § 3, adopted Dec. 12, 2000.

#### DIVISION 1. - ADMINISTRATION

Sec. 34-451. - General.

- (a) **Title.** These regulations shall be known as the Floodplain Management Ordinance of Inglis, Florida, hereinafter referred to as "this article."
- (b) **Scope.** The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including, but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (c) **Intent.** The purposes of this article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
  - (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  - (5) Minimize damage to public and private facilities and utilities;
  - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- (d) **Coordination with the Florida Building Code.** This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

## INGLIS LAND DEVELOPMENT REGULATIONS

- (e) Warning. The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.
- (f) Disclaimer of liability. This article shall not create liability on the part of the Town Commission of the Town of Inglis or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 03-12, § 2, 11-13-12)

### Sec. 34-452. - Applicability.

- (a) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) Areas to which this ordinance applies. This article shall apply to all flood hazard areas within Inglis, Florida, as established in subsection 34-452(c) of this article.
- (c) Basis for establishing flood hazard areas. The Flood Insurance Study for Levy County, Florida, and Incorporated Areas dated November 2, 2012, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the town clerk.
  - (1) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 34-455 of this article, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
    - a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
    - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (d) Other laws. The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

## INGLIS LAND DEVELOPMENT REGULATIONS

- (e) Abrogation and greater restrictions. This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- (f) Interpretation. In the interpretation and application of this article, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 03-12, § 2, 11-13-12)

Sec. 34-453. - Duties and powers of the floodplain administrator.

- (a) Designation. The town land use officer is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (b) General. The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to section 34-457 of this article.
- (c) Applications and permits. The floodplain administrator, in coordination with other pertinent offices of the community, shall:
  - (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  - (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
  - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  - (4) Provide available flood elevation and flood hazard information;
  - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
  - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and



## INGLIS LAND DEVELOPMENT REGULATIONS

- (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- (d) Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:
  - (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  - (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.
- (e) Modifications of the strict application of the requirements of the Florida Building Code. The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 34-457 of this article.
- (f) Notices and orders. The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.
- (g) Inspections. The floodplain administrator shall make the required inspections as specified in section 34-456 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (h) Other duties of the floodplain administrator. The floodplain administrator shall have other duties, including, but not limited to:
  - (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 34-453(c) of this article;
  - (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

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- (4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete; and
  - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Inglis are modified.
- (i) Floodplain management records. Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the office of the town clerk.

(Ord. No. 03-12, § 2, 11-13-12)

### Sec. 34-454. - Permits.

- (a) Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.
- (b) Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
  - (1) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
    - a. Railroads and ancillary facilities associated with the railroad.
    - b. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
    - c. Temporary buildings or sheds used exclusively for construction purposes.
    - d. Mobile or modular structures used as temporary offices.

## INGLIS LAND DEVELOPMENT REGULATIONS

- e. Those structures or facilities of electric utilities, as defined in F.S. § 366.02 which are directly involved in the generation, transmission, or distribution of electricity.
  - f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  - g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  - h. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
  - i. Structures identified in F.S. § 553.73(10)(k) are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.
- (c) Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- (1) Identify and describe the development to be covered by the permit or approval.
  - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  - (3) Indicate the use and occupancy for which the proposed development is intended.
  - (4) Be accompanied by a site plan or construction documents as specified in section 34-455 of this article.
  - (5) State the valuation of the proposed work.
  - (6) Be signed by the applicant or the applicant's authorized agent.
  - (7) Give such other data and information as required by the floodplain administrator.
- (d) Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- (e) Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (f) Suspension or revocation. The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.
- (g) Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including, but not limited to, the following:



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- (1) The Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, FAC.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(Ord. No. 03-12, § 2, 11-13-12)

Sec. 34-455. - Site plans and construction documents.

- (a) Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:
  - (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  - (2) Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection 34-455(b) of this article.
  - (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 34-455(b)(1) or (2) of this article.
  - (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
  - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
  - (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.
- (b) Information in flood hazard areas without base flood elevations (approximate zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:
  - (1) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or



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- (2) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
    - a. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
    - b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
  - (3) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- (c) Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 34-455(d) of this article and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
  - (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.
  - (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 34-455(d) of this article.
- (d) Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 03-12, § 2, 11-13-12)

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### Sec. 34-456. - Inspections.

- (a) General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (1) Development other than buildings and structures. The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
  - (2) Buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
    - a. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:
      1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
      2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 34-455(b)(2)b. of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
    - b. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 34-456(a)(2)a. of this article.
  - (3) Manufactured homes. The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

(Ord. No. 03-12, § 2, 11-13-12)

### Sec. 34-457. - Variances and appeals.

- (a) General. The planning commission shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the planning commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
- (b) Appeals. The town commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the planning commission may appeal such decision to the circuit court, as provided by Florida Statutes.

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- (c) Limitations on authority to grant variances. The planning commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 34-457(f) of this article, the conditions of issuance set forth in subsection 34-457(g) of this article, and the comments and recommendations of the floodplain administrator and the building official. The planning commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
  - (1) Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 34-455(c) of this article.
- (d) Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (e) Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of subsection 34-457(c)(1), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (f) Considerations for issuance of variances. In reviewing requests for variances, the planning commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:
  - (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  - (4) The importance of the services provided by the proposed development to the community;
  - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  - (6) The compatibility of the proposed development with existing and anticipated development;
  - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (g) Conditions for issuance of variances. Variances shall be issued only upon:



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- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- (2) Determination by the planning commission that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 03-12, § 2, 11-13-12)

### Sec. 34-458. - Violations.

- (a) **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (b) **Authority.** For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (c) **Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 03-12, § 2, 11-13-12)

Secs. 34-459—34-470. - Reserved.



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### DIVISION 2. - DEFINITIONS

Sec. 34-471. - General.

- (a) Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this division.
- (b) Terms defined in the Florida Building Code. Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (c) Terms not defined. Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 03-12, § 2, 11-13-12)

Sec. 34-472. - Definitions.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

ASCE 24 means a standard titled flood-resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. (Also defined in FBC, B, Section 1612.2.) The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). (Also defined in FBC, B, Section 1612.2.)

Basement means the portion of a building having its floor sub grade (below ground level) on all sides. (Also defined in FBC, B, Section 1612.2.)

Design flood means the flood associated with the greater of the following two areas: (Also defined in FBC, B, Section 1612.2.)

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. (Also defined in FBC, B, Section 1612.2.)

## INGLIS LAND DEVELOPMENT REGULATIONS

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before January 10, 1986. (Also defined in FBC, B, Section 1612.2.)

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 10, 1986.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: (Also defined in FBC, B, Section 1612.2.)

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. (Also defined in FBC, B, Section 1612.2.)

Flood hazard area means the greater of the following two areas: (Also defined in FBC, B, Section 1612.2.)

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (Also defined in FBC, B, Section 1612.2.)

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. (Also defined in FBC, B, Section 1612.2.)

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

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Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Also defined in FBC, B, Section 1612.2.)

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use means A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck means, as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:



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- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to Town of Inglis Ordinance 3-12 (Revised Model FPM Ordinance and Code Amendments: Zones A Only) (April 12, 2012) render the structure in violation of the Florida Building Code or ASCE 24. (Also defined in FBC, B, Section 1612.2.)

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." (Also defined in 15C-1.0101, F.A.C.)

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction means, for the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after January 10, 1986, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 10, 1986.

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. (Defined in 15C-1.0101, F.A.C.)

Recreational vehicle means a vehicle, including a park trailer, which is: (Defined in section 320.01(b), F.S.)

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. (Also defined in FBC, B Section 1612.2.)



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Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B Section 1612.2.)

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. (Also defined in FBC, B Section 1612.2.)

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: (Also defined in FBC, B, Section 1612.2.)

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief from the requirements of this article, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 03-12, § 2, 11-13-12)

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### DIVISION 3. - FLOOD RESISTANT DEVELOPMENT

#### Sec. 34-473. - Buildings and structures.

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to subsection 34-454(b)(1) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 34-479 of this article.

(Ord. No. 03-12, § 2, 11-13-12)

#### Sec. 34-474. - Subdivisions.

- (a) Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
  - (2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 34-455(b)(1) or (2) of this article; and
  - (3) Compliance with the site improvement and utilities requirements of section 34-475 of this article.

(Ord. No. 03-12, § 2, 11-13-12)

#### Sec. 34-475. - Site improvements, utilities and limitations.

- (a) Minimum requirements. All proposed new development shall be reviewed to determine that:
- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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- (b) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.
- (c) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (d) Limitations on sites in regulatory floodways. No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 34-455(c)(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (e) Limitations on placement of fill. Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 03-12, § 2, 11-13-12)

### Sec. 34-476. - Manufactured homes.

- (a) General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249 and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.
- (b) Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article.
- (c) Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- (d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (d)(1) or (2) of this section, as applicable.
  - (1) General elevation requirement. Unless subject to the requirements of subsection (d)(2) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

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- (2) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to subsection (d)(1) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
- a. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
  - b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
- (e) Enclosures. Fully-enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.
- (f) Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(Ord. No. 03-12, § 2, 11-13-12)

Sec. 34-477. - Recreational vehicles and park trailers.

- (a) Temporary placement means Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
- (1) Be on the site for fewer than 180 consecutive days; or
  - (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- (b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in subsection 34-477(a) of this article for temporary placement shall meet the requirements of section 34-476 of this article for manufactured homes.

(Ord. No. 03-12, § 2, 11-13-12)

Sec. 34-478. - Tanks.

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of subsection 34-478(c) of this article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (c) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.



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- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 03-12, § 2, 11-13-12)

Sec. 34-479. - Other development.

- (a) General requirements for other development. All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:
- (1) Be located and constructed to minimize flood damage;
  - (2) Meet the limitations of subsection 34-475(d) of this article if located in a regulated floodway;
  - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - (4) Be constructed of flood damage-resistant materials; and
  - (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (b) Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 34-475(d) of this article.
- (c) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 34-475(d) of this article.
- (d) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 34-475(d) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 34-455(c)(3) of this article.

(Ord. No. 03-12, § 2, 11-13-12)

Secs. 34-480—34-490. - Reserved.

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**DIVISION 4. - ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE,  
BUILDING**

Sec. 34-491. - [Amendments adopted.]

The following administrative amendments to the Florida Building Code, Building are hereby adopted:

Sec. 104.10.1. Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1. Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

Sec. 117. Add a new Sec. 117 as follows:

**117 VARIANCES IN FLOOD HAZARD AREAS**

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

(Ord. No. 03-12, § 2, 11-13-12)

Secs. 34-492—34-530. - Reserved.

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## ARTICLE VIII. - RESOURCE PROTECTION

Sec. 34-531. - Short title.

This article shall be generally known as the resource protection regulations of the town land development code.

(Ord. No. 5-92, § 7.2, 8-25-92)

Sec. 34-532. - Purpose and intent.

The purpose of this article is to establish those resources or areas of a development site that must be protected from the harmful effects of development. A developer shall apply the provisions of this article to a proposed development site before any other development design work is done. Application of the provisions of this article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed. (Ord. No. 5-92, § 7.3, 8-25-92)

Sec. 34-533. - General provisions for environmentally sensitive lands.

- (a) In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.
- (b) The conservation element of the town comprehensive plan as from time to time amended shall be used as a reference source to guide decisions regarding future development.
- (c) Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these protection of environmentally sensitive lands regulations.

(Ord. No. 5-92, § 7.4, 8-25-92; Ord. No. 05-04, § 1(Att. A), 4-13-04)

Sec. 34-534. - Creation of protected environmentally sensitive zones.

(a) Wetlands protection zone.

- (1) There is hereby created a wetlands protection zone in which special restrictions on development apply and protective measures may be required through a development order.
- (2) The boundaries of this zone shall be the most landward extent of the following:
  - a. Areas within the dredge and fill jurisdiction of the state department of environmental protection as authorized by F.S. ch. 403.
  - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404 of the Clean Water Act or Section 10 of the River and Harbor Act.
  - c. Areas within the jurisdiction of the Southwest Florida Water Management District pursuant to F.A.C. 40D-4 and 40D-40.
  - d. Areas not regulated by those laws specified in subsections 34-534(a)(2)a, b, or c above, but those wetlands identified onsite and flagged by a certified wetlands delineator.

(b) Shoreline protection zone.



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- (1) There is hereby created the shoreline protection zone in which special restrictions on development apply and protective measures may be required through a development order.
  - (2) The shoreline protection zone extends from the mean high water line landward to a point 30 feet landward of the water's edge.
- (c) Determination of boundaries.
- (1) Boundaries shall be generally depicted by a map or map series in the town comprehensive plan that depicts the Withlacoochee River shoreline, Harrison Branch, sinkholes, wetlands and ponds or lakes.
  - (2) A developer shall obtain a determination of the boundaries of a protected environmentally sensitive zone by submitting to the building official an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information needed to make the determination including a survey of the property by a licensed surveyor, drawn to scale, that delineates the protected environmentally sensitive zone as defined by subsection 34-534(a)(2).
    - a. Two copies of the survey shall be drawn at a scale no smaller than one inch equals 100 feet, showing the landward extent of the average annual high water mark, and hydric soils. The developer shall deliver such a survey to the town building official who shall make a final determination within ten working days of receiving a survey as to if the survey is of a sufficient quality. If the survey does not contain sufficient information for the town building official to verify the determination of the zones, he shall return the survey with a written finding as such, via the town clerk, to the developer. The developer may make such corrections as specified by the town building official and resubmit the survey for the building official's approval.
    - b. Once the town building official has approved the developer's survey of the location of the boundary or boundaries of protected environmentally sensitive zone(s) the developer's engineer shall certify the boundary demarcation. The developer shall keep one copy that should be submitted with any development application, and the other copy shall be retained by the town clerk at the town hall.
    - c. The certified and approved determination of the boundary of protected environmentally sensitive zones shall be valid for a period not to exceed five years from the developer's engineer's certification of the boundary, or until the maps in the town's comprehensive plan that depict wetlands, 100-year floodplain, sinkholes, natural drainage features, and ponds and lakes are revised, whichever occurs first. (Ord. No. 5-92, § 7.5, 8-25-92; Ord. No. 5-93, § 1, 4-13-93; Ord. No. 05-04, § 1(Att. A), 4-13-04)

### Sec. 34-535. - Development activities within protected environmentally sensitive zones.

Except as expressly provided herein, no development activity shall be undertaken in a protected environmentally sensitive zone.

- (1) Acreage for density calculations. The acreage within a protected environmentally sensitive zone may not be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of such a zone. The total acreage less the protected environmentally sensitive zone shall be the net acreage value used to calculate a net density for development.

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- (2) Remedies to damage of a protected environmentally sensitive zone. The developer shall completely restore any portion of a protected environmentally sensitive zone damaged during construction. Complete restoration means that the damaged area shall, within one year, be functioning and operating as effectively as the natural system did prior to being damaged. The building official or other administrative designee appointed by the town commission shall inspect the restored area to certify restoration is completed in an effective manner.
- (3) Development within 100-year floodplain. Development within the 100-year flood hazard zone, as designated in the conservation element, shall comply with the regulations set forth in the town flood damage prevention regulations (article VII of this chapter).
- (4) Protective measures. Reasonable protective measures necessary to prevent significant adverse effects on a protected environmentally sensitive zones or relating to special water dependent activities shall be required for development approval. The factual basis of the decision to require the measure(s) shall be stated as a finding in the written record, and necessary protective measures shall be stated conditions in preliminary and final development orders. Protective measures include, but are not limited to:
  - a. Maintaining natural drainage patterns.
  - b. Limiting the removal of vegetation to the minimum necessary to carry out the development activity.
  - c. Expeditiously replanting denuded areas.
  - d. Stabilizing banks and other unvegetated areas by siltation and erosion-control measures.
  - e. Minimizing the amount of fill used in the development activity.
  - f. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
  - g. Prohibiting construction of channels.
  - h. Prohibition of the dredging and filling of wetlands.
  - i. Designing, locating, constructing and maintaining all development in a manner that minimizes environmental damage.
  - j. [Reserved.]
  - k. Using deed restrictions and other legal mechanisms to require the developer and successors to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.
  - l. Aesthetic and view scape protection measures as deemed appropriate by the planning commission or the town commission.
- (5) Exceptions. Certain activities are presumed to have an insignificant adverse affect on the beneficial functions of protected environmentally sensitive zones. Notwithstanding the prohibition in section 34-535, these activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the protected environmentally sensitive zone.
  - a. The following uses and activities are presumed to have an insignificant adverse effect on wetlands protection zones:
    1. Scenic, historic, wildlife, or scientific preserves.
    2. Minor maintenance or emergency repair to existing structures or improved areas.

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3. Timber catwalks and docks four feet or less in width.
  4. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.
  5. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
  6. Developing an area that no longer functions as a wetland, except a former wetland that has been filled, drained or altered in violation of any rule, regulation, statute, or this chapter, or any federal or state law. The developer must demonstrate that the water regime has been permanently altered either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially altered, but wetland species remain the dominant vegetation of the area, the town planning commission shall determine the feasibility of restoring the altered hydrology. If the wetland may be restored at a cost that is reasonable in relation to benefits to be derived from the restored wetland, the developer shall, as a condition of development, restore the wetland and comply with the requirements of this chapter.
  7. Developing a wetlands stormwater discharge facility or treatment wetland in accordance with state permits received under F.A.C. 40D-4, 40D-40, 62-25, and all other applicable county, state and federal regulations.
  8. Maintaining existing channels (i.e., channels in existence at the time of adoption of this chapter) at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and allow revegetation of banks.
- b. The following uses and activities are presumed to have an insignificant adverse effect on shoreline protection zones:
1. Scenic, historic, wildlife, or scientific preserves.
  2. Minor maintenance or emergency repair to existing structures or improved areas.
  3. For each lot with shoreline, clearing of shoreline vegetation waterward of the water's edge, so as to provide a corridor not to exceed 15 feet in width, of sufficient length from the shore to allow access for a boat or swimmer to reach open water, and landward of the water's edge so as to provide an open area not to exceed 25 feet in width.
  4. Timber catwalks, docks, and trail bridges that are less than or equal to four feet wide, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is necessary for the installation of pilings.
  5. Commercial or recreational fishing, hunting or trapping, and creation and maintenance of temporary blinds.
  6. Constructing fences where no fill activity is required and where navigational access will not be impaired, nor will access to water or vegetation be impaired for wildlife by construction of the fence.
  7. Developing a wetlands stormwater discharge facility or treatment wetland in accordance with state permits received under F.A.C. 40D-4, 40D-40, 62-25, and all other applicable county, state and federal regulations.
  8. Maintaining existing channels (i.e., channels in existence at the time of adoption of this chapter) at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and allow revegetation of banks.

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(Ord. No. 5-92, § 7.6, 8-25-92; Ord. No. 05-04, § 1(Att. A), 4-13-04)

Sec. 34-536. - Special water dependent activities.

- (a) Examples. Special water dependent activities include, but are not limited to, the following uses:
- (1) Construction of docks or marinas.
  - (2) Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like).
  - (3) Installation of buoys, aids to navigation, and signs.
  - (4) Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas.
  - (5) Restoration or repair of foot bridges and vehicular bridges.
- (b) Minimization of impacts. The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the affected protected environmentally sensitive zone.
- (c) Designed water dependent activities. Designed water dependent activities that in nonresidential use districts are otherwise prohibited may be allowed if the developer shows:
- (1) The public benefits of the activity substantially outweigh the adverse environmental effects on a wetland area; and
  - (2) No practicable alternative to placement in the protected environmentally sensitive zone exists.
- (d) Design standards.
- (1) Special uses allowed in a shoreline protection zone. The development shall be designed to:
    - a. Allow the movement of aquatic life requiring shallow water;
    - b. Maintain existing flood channel capacity;
    - c. Ensure stable shoreline embankments.
  - (2) Residential development.
    - a. Construction of docks shall be compliant with the standards of all permitting authorities. In addition dockage shall not extend into the waterway more than 15 feet from the shoreline point closest to the dock at the mean high waterline to the point on the dock which extends furthest into the waterway measured perpendicular to the shoreline, or 25 percent of the width of the waterway, whichever is less. Docks shall not be larger than 500 square feet and shall be constructed within the limits of the side yard setback lines and shall not exceed 50 percent of the shoreline.
    - b. Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like) along the shoreline and to stabilize vegetation. The structures shall be located at or within ten feet of mean high water, with no greater than a 2:1 slope, and shall be placed in a manner which will preserve existing trees and shrubs.
  - (3) Commercial and multifamily development.



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- a. Construction of commercial and multifamily docks shall not extend into the waterway more than 15 feet from the shoreline point closest to the dock at the mean high waterline to the point on the dock which extends furthest into the waterway measured perpendicular to the shoreline, or 25 percent of the width of the waterway, whichever is less. Docks shall be constructed within the limits of the side yard setback lines not to exceed 50 percent of the shoreline and shall be consistent with the standards required by the appropriate permitting authority.
  - b. Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like) along the shoreline and to stabilize vegetation. The structures shall be located at or within ten feet of mean high water, with no greater than a 2:1 slope, and shall be placed in a manner which will preserve existing trees and shrubs.
  - c. Multifamily developments or condominiums shall be limited to one dock, unless approved and developed as a marina.
- (e) Development standards for special water dependent uses. In addition to the standards listed in subsection 34-535(4), the following standards apply to special uses allowed in the protected environmentally sensitive zones:
- (1) Development that encroaches on the shoreline protection zone shall not be located:
    - a. On unstable shorelines where water depths are inadequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities.
    - b. In areas where there is inadequate water mixing and flushing;
  - (2) Access roads, parking lots, and similar structures shall be located on upland sites.
  - (3) Nondevelopment portions of the shoreline protection zone that are damaged during construction shall be restored or replaced through replanting of vegetation, restocking of fish, shellfish, reestablishment of drainage patterns, and the like. The restored area's function shall match its prior natural ecological function.
  - (4) Accessory uses shall be limited to those which are water-dependent or necessary for operation of the development. Accessory uses will be consistent in scale and intensity with the surrounding uses. Fill shall not be placed in waters or associated wetlands to create usable land space for accessory uses.
- (f) Marina standards. The following standards apply to marinas and other appropriate activities taking place within any environmentally sensitive zone or associated with water dependent activities:
- (1) Marinas and other appropriate developments shall post the following signs where they are readily visible to all users of the development:
    - a. Regulations pertaining to handling and disposal of waste, sewage or toxic materials.
    - b. Regulations prohibiting the use of vessel toilets while moored unless these toilets are self-contained or have an approved treatment device.
    - c. Regulations prohibiting the disposal of fish or shellfish cleaning wastes, scrap-fish, viscera, or unused bait in or near the development.
    - d. Appropriate messages relating to local ecological concerns, e.g., manatee protection.

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- (2) Where wet moorage is offered for boats which have holding facilities for sewage, or where other recreational vehicles are allowed to stay overnight, then pumpout, holding, or treatment facilities shall be provided by the developer for sewage and other wastes, including bilage, contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and vehicles.
- (3) If no natural vegetation exists, strips of buffer vegetation shall be planted between development activities and the shoreline protection zone. Buffers shall be a minimum of ten feet wide and shall be composed of native plant species or vegetation compatible to that location.
- (4) [Reserved.]
- (5) Marinas shall have adequate restroom facilities in compliance with local health board regulations.
- (6) Garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

(Ord. No. 5-92, § 7.7, 8-25-92; Ord. No. 5-93, §§ 2, 3, 4-13-93; Ord. No. 05-04, § 1(Att. A), 4-13-04)

### Sec. 34-537. - Prohibited on-going activities.

The following standards apply to postdevelopment activities taking place within any environmentally sensitive zone:

- (1) Point source and nonpoint source discharges. Absent an amendment to the development order, point source and nonpoint source discharges shall continue to meet the standards applicable to the original development.
- (2) Clearing. Absent an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (3) Handling and storage of fuel, hazardous and toxic substances and wastes.
  - a. Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and shall employ adequate means for prompt and effective clean-up of spills that do occur.
  - b. No toxic or hazardous wastes or substances shall be stored in outdoor containers.
  - c. Storage or disposal of all types of waste is prohibited on shorelines.
- (4) Prohibited uses. The long-term storage of equipment or materials and the disposal of wastes shall be prohibited.
- (5) Spray vehicles. Vehicles used for mixing or spraying chemicals are prohibited from withdrawing water from surface waters and groundwaters directly with truck mounted pumps.
- (6) Pump-out, holding, and treatment facilities for wastes from mobile sources. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be properly collected and disposed of.

(Ord. No. 5-92, § 7.8, 8-25-92; Ord. No. 05-04, § 1(Att. A), 4-13-04)

Secs. 34-538—34-560. - Reserved.

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## ARTICLE IX. - SIGNS<sup>(10)</sup>

Sec. 34-561. - Short title.

This article shall be known as the sign regulations of the town land development code.

(Ord. No. 5-92, § 8.2, 8-25-92)

Sec. 34-562. - Purpose, intent and scope.

- (a) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.
- (b) The provisions of this article are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the comprehensive plan of the town; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.
- (c) This article shall not regulate or be intended to regulate any display not defined as a sign, building design, the copy and message of signs, or signs which cannot be viewed from a right-of-way, except as specified herein.

(Ord. No. 5-92, § 8.3, 8-25-92)

Sec. 34-563. - Administration and enforcement.

- (a) Generally. It shall be the duty of the town commission to administer and enforce the provisions of this article by delegation to the planning commission and building official in conjunction with the building code of the town. In case of conflict between any of the provisions of this article and those of the town building code, in a given instance, the more restrictive of the two shall govern.
- (b) Violation and penalties. It shall be unlawful for any person to erect, cause to be erected, maintain, or cause to be maintained any sign without full compliance with the restrictions, requirements and provisions of this article, or to otherwise violate any provisions of this article. Each day a violation occurs or continues, regardless of whether such violation is ultimately corrected, shall constitute a separate offense. Any person convicted of violating any provision of this article shall be fined up to \$250.00 per day for the first violation, up to \$500.00 per day for repeat violations, in accordance with F.S. ch. 162.
- (c) Removal of signs on public right-of-way. At the direction of the town commission or its authorized agent, signs placed in the public right-of-way will be removed by persons designated by the town commission.
- (d) Permit cost and penalty payment. The cost of fulfilling these requirements shall be borne by the owner.

(Ord. No. 5-92, § 8.4, 8-25-92; Ord. No. 7-93, § 1, 6-8-93)

**Cross reference**— Administration, ch. 2.

Sec. 34-564. - Hardship relief.



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- (a) Standard of review. The planning commission shall consider variances to the sign regulations where the a strict interpretation would impose a hardship on the person developing a site. A variance must be requested in a development review application and approval shall be in the form of a preliminary development order. However, no variance shall grant permission to install an outdoor advertising sign. The planning commission may grant a variance to the regulations of this article if it finds that the following special physical conditions exist:
- (1) The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
  - (2) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.
- (b) Procedures. All requests for variances must be filed in the development review application as specified in article II of this chapter.

(Ord. No. 5-92, § 8.5, 8-25-92)

Sec. 34-565. - Permits and licenses required.

- (a) No sign or sign structure shall be hereinafter erected, altered, displayed, changed, except exempt signs, as provided herein, until after a permit and license has been issued by the building official and a fee paid to the town.
- (b) A sign, other than an exempt sign, erected, altered, displayed or changed without a permit and license is an illegal sign and shall be subject to the penalties set forth herein.

(Ord. No. 5-92, § 8.6, 8-25-92)

Sec. 34-566. - Expiration of sign permits.

If an approved sign is not erected within a period of 90 days from the date the permit was originally issued, the permit shall expire and become null and void.

(Ord. No. 5-92, § 8.7, 8-25-92)

Sec. 34-567. - Exemptions from permit and license requirements.

The following types of signs shall be exempt from the requirement of obtaining a permit or license subject to the terms and conditions contained herein:

- (1) Temporary signs wholly within a building, not visible from outside, excluding window signs, signs of a flashing, animated and/or rotating nature, except time and temperature signs.
- (2) Signs not exceeding two square feet in area that display only property numbers, post office box numbers, names of resident, no trespassing, private property, no soliciting or the like on property zoned R-1, R-1-A and RC-1.
- (3) Temporary signs not exceeding six square feet in aggregate sign area provided that there is only one such nonilluminated sign for each parcel of property and provided that the sign is no less than ten feet from any property line. There may be one additional sign, subject to the same conditions of the first sign, if the property has double frontage.

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- (4) One traffic direction/safety sign, at each point of ingress and egress not to exceed three square feet in the sign area, with the maximum height four feet above the ground.
- (5) A truck, bus trailer or other vehicle, that displays a sign that has a sign face less than six square feet, provided that the primary use of such vehicle is not for the purpose of advertisement, and is not generally located or parked on, along, or near a public right-of-way, public beach, public property or private property visible from a public right-of-way.
- (6) Decals affixed to store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products, so long as such signs or decals remain applicable to the use of the premises.
- (7) Integral decoration or architectural features of buildings except letters, trademarks, moving parts, or moving, flashing or blinking lights.
- (8) Directional signs.
- (9) Legal signs posted as authorized by law.
- (10) Signs of governmental units or agencies on public property or public right-of-way which are erected for the public health, safety and welfare.
- (11) National flags, flags of political subdivisions, and symbolic flags of an institution, attached to ground poles mounted on the ground, limited to a total of three in number, with the maximum height of all flags to be 20 percent of the height of the pole. Such flags shall not be used in such a way as to attract the attention of the public for commercial purposes. The maximum height on flag poles shall be 30 feet.
- (12) Two banners shall be permitted per model home or model apartment, at the time the model home or model apartment is open for inspection, provided that each banner shall not exceed 15 square feet.
- (13) Political signs, as permitted in section 34-575.
- (14) Real estate signs under six square feet in size which are designed and installed pursuant to section 34-573.
- (15) Any window sign, permanent or temporary or combination of window signs, the area of which does not exceed 20 percent of the window area, including door windows if any, on which the sign or signs are located subject to the provisions of subsection 34-574(6).
- (16) Vehicle tow-away signs erected pursuant to F.S. § 715.07, and the provisions of this chapter.
- (17) Seasonal/holiday signs, provided that their erection shall not occur prior to 30 days before the holiday and their removal shall take place no less than ten days after the holiday.

(Ord. No. 5-92, § 8.8, 8-25-92; Ord. No. 02-08, § 1, 10-14-08)

Sec. 34-568. - Application for and issuance of permit.

- (a) The town shall provide forms for application for sign permits. Such forms will provide for furnishing the information required hereunder.
- (b) The information required for a sign permit consists of:
  - (1) Name, address, telephone number and signature of the owner of the premises granting permission for the construction, operation, maintenance or displaying of sign or sign structure.
  - (2) Name, address, telephone number and signature of sign contractor, if any.

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- (3) Legal description and street address of premises or property upon which the sign is to be located.
  - (4) The approximate value of the sign to be installed, including the installation cost.
  - (5) Type of sign for which a permit is being sought.
  - (6) Two copies of a sketch, blueprint, blueline print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building facade, awning or canopy, provided, further, the relationship to other existing adjacent signs shall also be shown. In the case of a ground sign, these sketches shall include a site plan showing the sign location and any existing or proposed landscaping which is affected by such sign.
  - (7) Such other information as the building official may require which is necessary to secure full compliance with all applicable regulations contained in this chapter and the Code.
  - (8) An approved final development order unless the proposed sign qualifies as an exemption under section 34-567 or subsection 34-34(c)(4).
- (c) All applications for sign permits shall be submitted to the building official, whose approval is necessary prior to the issuance of a sign permit.
- (d) Upon satisfactory compliance with the requirements hereunder, a sign permit shall be issued to the applicant which shall be valid for a period of 90 days; however, the building official may, for good cause shown, renew the permit for an additional 90 days.
- (e) Failure to obtain a final satisfactory inspection within the permit period shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure within ten days from notification by the building official. (Ord. No. 5-92, § 8.9, 8-25-92)

### Sec. 34-569. - Contents of permit.

Upon compliance with the provisions of this article, as certified after review of the building official or by issuance of a final development order, the town clerk shall issue a permit for such sign structure. Permits shall be numbered and shall contain the following information:

- (1) The type of sign as defined in this article.
- (2) The street address of the property upon which such sign is proposed to be located and the proposed location of the sign on such property. In the absence of a street address, an acceptable method of location shall be used.
- (3) The amount of the fee paid for such permit.
- (4) The date of issuance.
- (5) In the case of a temporary sign, the date of expiration of permit.

(Ord. No. 5-92, § 8.10, 8-25-92)

### Sec. 34-570. - Public liability insurance required.

It shall be unlawful for any person to engage in the business of signs or outdoor advertising, or in the business of erecting or maintaining signs within the town, unless and until such person shall have filed a certificate of public liability and property damage insurance policy executed by a company authorized to do business in the state in a sum of not less than \$300,000.00 for bodily injury in any one occurrence and not less than \$50,000.00 for damage to property.

(Ord. No. 5-92, § 8.11, 8-25-92)

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### Sec. 34-571. - Fees for sign permits.

- (a) At the time of submission of an application for a sign permit, a nonrefundable plan check fee shall be paid:
  - (1) Sign review fee .....\$ 50.00
  - (2) Fee for review of revision to sign plan .....15.00  
Plus, per revised sheet .....2.00
  - (3) Fee to alter the lettering or graphics to an existing legally permitted sign .....15.00
- (b) When application for a permit is approved and before a permit is issued, a permit fee shall be paid based on the following schedule of rates:
  - (1) Signs:
    - Up to 32 square feet (each face) .....\$ 25.00
    - Over 32 square feet (per foot) .....0.50
  - (2) Temporary signs:
    - Up to 32 square feet (each face) .....25.00
    - Over 32 square feet (per foot) .....0.50
- (c) Reinspection fee (all signs) .....25.00
- (d) Where work for which a permit is required by this article is started or proceeded with prior to obtaining a permit, the fees herein specified shall be doubled. However, the payment of such double fee shall not relieve any persons from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed in this chapter or the Code.

(Ord. No. 5-92, § 8.12, 8-25-92; Ord. No. 7-93, § 2, 6-8-93; Ord. No. 02-08, § 1, 10-14-08)

### Sec. 34-572. - Inspection, licensing and maintenance of signs.

- (a) When requested by the permit holder, the following required inspections shall be made by the town:
  - (1) A foundation inspection prior to pouring concrete for any approved ground sign.
  - (2) Final electrical inspection for electrical signs.
  - (3) Final inspection for completion of sign in accordance with approved final plans.
- (b) Upon satisfactory completion of the final inspection, a sign identification sticker shall be issued and shall be placed on the sign at a location designated by the town. The absence of the sticker on a sign shall be prima facie evidence that the sign has been or is being erected in violation of the provisions of this chapter.
- (c) Each sign which has been erected with a permit and for which a final inspection has been made and a sign inspection sticker is secured shall be maintained in substantially the same condition as when the final inspection was made and the sign inspection sticker was issued. Failure to so maintain the sign shall constitute a violation of this article.

(Ord. No. 5-92, § 8.13, 8-25-92)



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Sec. 34-573. - Signs permitted and regulated.

(a) Generally.

- (1) Building signs. Building signs shall not extend beyond the edge of the surface to which it is attached (Figure 9), nor shall a building sign disrupt the architectural features of the building (Figure 10).
- (2) Setback. All signs shall have a setback from the parcel lot lines and public right-of-way equal to the setbacks for the corresponding type of building as detailed in section 34-247.
- (3) Content changes. Significant changes to sign copy (i.e., business name change) must reapply for sign permit and meet current requirements. See also subsection 34-565(a).

(b) Residential.

(1) Residential districts. In all residential districts:

- a. One real estate sign, not exceeding three square feet in sign face area and not exceeding four feet in height shall be permitted. Property with two or more on-premises frontages shall be permitted one additional sign of the dimensions permitted for the initial sign.
  - b. Two additional real estate signs, each not exceeding one square foot in sign face area; however, the signs may only convey a message regarding the features of the home, stating that the property is sold, or announcing that the house is open for inspection.
- (2) R-1, R-1-A and RC-1 districts. In R-1, R-1-A and RC-1 districts signs shall be as specified in subsections 34-567(2), 34-567(12) and 34-567(13).
  - (3) R-2 districts. In R-2 districts one ground sign identifying the premises may be permitted in lieu of a flat sign, provided it does not exceed 32 square feet per sign face and an aggregate sign area of 64 square feet, and does not exceed 11 feet in height.
  - (4) MHP-1 districts. In the MHP-1 district the same restrictions apply as for the R-2 district except that a sign should not exceed 11 feet in height.

(c) Neighborhood commercial, commercial, industrial, public/institutional, timber, and utility on County Road 40. Properties fronting on County Road 40 and that portion of Inglis Avenue lying between Levy County Road 40 and U.S. Highway 19, and fronting Hammock Road designated as commercial (C-I, C-2, I, P1, T and U zoning districts.)

- (1) Real estate signs. A real estate sign shall be permitted on the premises for sale, rent or lease. Such sign shall be non-illuminated, not to exceed 32 square feet in area. A double-faced real estate sign is permitted, provided that it shall not exceed 16 square feet per sign face and an aggregate sign area of 32 square feet and if grounded, it shall not exceed seven feet in height.
- (2) Commercial and industrial (freestanding, i.e., not in a center). One or more sign(s) per use as permitted by subsection 34-573(c)(4) below.
- (3) Commercial and industrial centers. As this subsection is applied to commercial or industrial centers, only the name of the center shall be considered the main use and only one ground sign shall be permitted in any center.
- (4) Signs facing perpendicular or parallel to a building front setback line. Signs facing perpendicular or parallel to a building front setback line to be allowed as follows:

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- a. One ground sign identifying the premises, not exceeding a square foot sign area of 32 square feet per sign face and a maximum aggregate sign area of 64 square feet. No ground sign shall exceed 21 feet in width or 15 feet in height. Corner plots may use both frontages for establishing allowable sign area. Each frontage will be allowed full usage. Property with two or more frontages are permitted two ground signs, provided that the signs are not located within 250 feet of each other along the frontage line.
  - b. In addition, flat wall signs or painted wall or flat signs, each with a maximum sign area of 20 percent of the area of each facade of the building that faces a public street singly, or in a combination, will be allowed identifying the occupancy.
- (5) Portable signs. One portable sign is permitted per use. The sign face area and aggregate sign area of the portable sign shall be included in the maximum allowable under subsection 34-573(c)(4). The portable sign shall be placed to comply with the setback requirements of subsection 34-573(a)(2). For safety reasons, all portable signs must have a suitable anchoring system. (See definitions for suitable anchoring system.)
  - (6) Canopy signs. A commercial and/or industrial center shall be permitted one suspended-type canopy sign per licensed business, not to exceed six feet in length and 18 inches in height, placed entirely under a suspended-type canopy (marquee) directly in front of such location, identifying the occupancy. Clearance from the ground to bottom of sign must conform to county regulations or seven feet, whichever is greater. All other types of canopy signs would be considered as normal wall signs.
  - (7) Facade sign. In the case of a commercial or industrial center, each licensed, individual store front will be allowed flat wall signage not to exceed 32 square feet. Window signs are included as a part of the 32 square feet, but are in addition to canopy signs. (See subsection 34-573(c)(6) above.)
  - (8) Principal and amplifying signs. A person may have the option of dividing the total permissible sign area between the principal permitted sign and minor or amplifying permitted signs. Amplifying signs are limited to the identification and price of a particular product for sale or service on the premises. The combined area of the principal sign and the amplifying sign shall not exceed the total allowable sign area for the application as elsewhere defined in this article, or shall it be used as an additional separate ground sign or fixed projecting sign.
- (d) Neighborhood commercial, commercial, industrial, public institutional, timber and utility on U.S. 19 (C-i, C-2, I, P1, T and U zoning districts). Properties fronting on U.S. Highway 19/98.
    - (1) Commercial and industrial (freestanding, i.e., not in a center). One or more sign(s) per use as permitted by subsection 34-573(d)(4) below.
    - (2) Commercial and industrial centers. As this subsection is applied to commercial and industrial centers, only the name of the center shall be considered the main use and only one ground sign shall be permitted in any center.
    - (3) Real estate signs. A real estate sign shall be permitted on the premises for sale, rent or lease, provided it meets the criteria set forth in subsection 34-573(c)(1).
    - (4) Sign faces perpendicular to a building front setback line. Sign faces perpendicular or parallel to a building front setback line are to be governed by the following:

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- a. One ground sign identifying the premises, not exceeding a square foot sign area of 32 square feet per sign face and a maximum aggregate sign area of 64 square feet. No ground sign shall exceed 21 feet in width or 21 feet in height. Corner plots may use both frontages for establishing allowable sign area. Each frontage will be allowed full usage. Property with two or more frontages are permitted two ground signs, provided that the signs are not located within 250 feet of each other along the frontage line.
  - b. Flat signs or painted wall signs, as permitted by subsection 34-573(c)(4)b. However, the maximum sign face areas shall be 128 square feet and a maximum aggregate sign area shall be 256 square feet for the premises.
  - c. In the case of the primary front facade of a building being perpendicular to the frontage(s), signs shall be permitted in the same manner as permitted in subsection 34-573(c)(4). However, the maximum sign face area shall be 128 square feet and a maximum aggregate sign area shall be 256 square feet.
- (5) Portable signs. One portable sign is permitted per use. The sign face area and aggregate sign area of the portable sign shall be included in the maximum allowable under subsection 34-573(d)(4). The portable sign shall be placed to comply with the setback requirements of subsection 34-573(a)(2).
  - (6) Canopy signs. A commercial or industrial center shall be permitted one canopy sign per occupancy, as permitted by subsection 34-573(c)(6).
  - (7) Principal and amplifying signs. A person may have the option of dividing the total permissible sign area between the principal permitted sign and minor or amplifying permitted signs. Amplifying signs are limited to the identification and price of a particular product for sale or service on the premises. The combined area of the principal sign and the amplifying sign shall not exceed the total allowable sign area for the application as elsewhere defined in this article, nor shall it be used as an additional separate ground sign or fixed projecting sign.
- (e) Real estate signs. All real estate agencies that list properties in the town are required to register with the town by presenting an annual business tax receipt. Each agency shall receive a sign regulations information packet at the time of registration.
    - (1) Real estate signs shall be removed by listing agent within seven days following closure of sale regardless of any other exceptions provided in this chapter. See also subsections 34-567(14), 34-573(b)(1), 34-573(c)(1) and 34-573(d)(3).
    - (2) The code enforcement officer or authorized town official may remove any sign seven days after the closing of a real estate sale and written notification to the listing agent. The town will hold the signage for an additional period of seven days for retrieval by the owner. If the sign is not retrieved after seven days, the town may discard the signage.
      - a. The code enforcement officer has the option to give a warning on the first occurrence, and return the signage, or charge a \$25.00 fee for the first time and each time real estate signs are not removed in a timely fashion as per this section.
      - b. The code enforcement officer has the option in significant cases to initiate proceedings of the code enforcement board for further actions including financial penalties.
    - (3) The code enforcement officer and/or other authorized town official will have the right to ask any real estate agent listing properties or erecting signs within the town limits to provide proof of their agency's current business tax receipt. The town code enforcement officer will have the authority to remove real estate signs from real estate agencies that cannot produce evidence of an up-to-date business tax receipt within seven days.



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(Ord. No. 5-92, § 8.14, 8-25-92; Ord. No. 7-93, §§ 3—18, 6-8-93; Ord. No. 18-93, § 1, 10-12-93; Ord. No. 04-06, § 1, 12-12-06; Ord. No. 02-08, § 1, 10-14-08)

### Sec. 34-574. - Special signs.

The following special signs are permitted, subject to the provisions of this section and other applicable provisions of this article:

- (1) Temporary development signs. Areas under development, including but not limited to shopping centers, cooperative apartments, condominiums, and extensive platted or unplatted land shall be permitted under the following conditions:
  - a. Two temporary nonilluminated signs not to exceed 50 square feet per sign face and an aggregate sign area of 100 square feet.
  - b. The signs shall be located on the premises being developed and shall be located in accordance with the requirements contained in the section 34-573 relating to the specific zoning district.
  - c. Signs allowed herein shall be permitted for one year. If the project is not completed within one year, the building official may grant an appropriate extension. All signs must be removed from the premises within 30 days of the date on which the project is completed or suspended, or by the expiration of the final development order, whichever occurs first. Failure to so remove the signs shall subject the signs to removal by the town.
- (2) Construction project sign. One nonilluminated project sign may be permitted on the premises, subject to the following conditions:
  - a. The sign shall not exceed 32 square feet per sign face in area with a maximum aggregate sign area of 64 square feet.
  - b. The sign shall not be erected prior to 15 days from the date of the beginning of actual construction and must be removed when certificate of occupancy is issued. However, if the sign is erected as permitted hereunder and if construction is not commenced within 30 days after the permit is issued or if the construction is not continually progressed to completion, the sign shall be promptly removed by the owner or be subject to removal pursuant to this article.
  - c. The signs shall be located on the premises being developed and shall be located in accordance with the requirements contained in the section 34-573 relating to the specific zoned area.
- (3) Ingress and egress signs. One sign, for directional purposes, shall be permitted at each point of ingress and egress to a parking area. However, the signs shall not exceed three square feet in sign area and shall not exceed four feet in height.
- (4) Rear entrance sign. When a building has a rear parking area on the premises, one flat sign per occupancy, not exceeding 12 square feet in sign area, shall be permitted at the rear building entrance.
- (5) Directory sign.
  - a. As part of a ground sign. A directory sign may be attached to or be part of a ground sign permitted by this article; the total sign area shall be included in the allowable ground sign area.



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- b. Within a commercial or industrial center. A directory sign may be permitted on premises within a commercial center for pedestrian or vehicular directional purposes, provided, however, that such sign conforms to the following:
  1. A single business or activity shall be limited to two square feet per individual sign face.
  2. The overall directory sign face shall not exceed an aggregate sign area of 28 square feet.
  3. The directory sign shall not exceed seven feet in height.
  4. The sign may be illuminated.
- (6) Window sign. A window sign may be permitted which identifies the business or activity by name or symbol, subject to the following provisions:
  - a. A sign or any combination of opaque signs and decals shall not exceed an aggregate area equal to 20 percent of the window glass area on which it is located.
  - b. The sign area for a window sign shall be included in the flat sign area allowable for the particular occupancy or activity utilizing such sign.
  - c. Window signs may be permitted for each window for each building which is permitted a flat sign by this article.
  - d. Neon window signs are considered permanent signs and require permits.
  - e. Open letter window signs are figured at a minimum of 50 percent of the calculations as indicated in Figure 6.
- (7) Subdivision entrance sign. Up to two subdivision entrance signs will be permitted, provided that they are either grounded or placed on the face of an entrance wall to the subdivision or residential complex provided that the sign area shall not exceed 50 square feet per sign face and an aggregate sign area of 100 square feet; and, if grounded, the signs shall not exceed a height of seven feet. Street signs, warning and regulatory signs shall be governed by the applicable provisions of article III of this chapter pertaining to subdivision regulations.
- (8) Changeable copy signs. A changeable copy ground sign is permitted. The changeable sign face area shall be included in the allowable sign face area and the aggregate sign area.
- (9) Gasoline pricing signs.
  - a. A sign advertising the price of gasoline is permitted, provided that it shall not exceed 12 square feet per sign face and an aggregate area of 24 square feet. If a ground sign, the sign shall not exceed five feet in height. One sign shall be permitted per roadway frontage, however, a maximum of two signs are allowed. In the event such a sign is attached to as a part of a permanent ground sign, the sign shall be subject to the provisions contained herein regarding division of area between principal and amplifying sign.
  - b. Signs which are placed on gasoline pumps in order to provide required information to the public regarding price per gallon or liter, type of fuel and octane rating are permitted. However, such signs may not exceed three square feet in sign face and six square feet in aggregate sign area.
  - c. In the event the county, the state or the United States of America adopt regulations regarding gasoline pricing signs, then, to the extent such regulations conflict with these regulations, those regulations shall govern gasoline pricing signs.

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- (10) Special event sign, banners and special event directional sign. One sign or banner, directing the attention of the public to a special event, may be permitted on the premises of the event. A special event sign shall not exceed 25 square feet per sign face and an aggregate sign area of 50 square feet, and its height shall not exceed seven feet. A banner shall not exceed 50 square feet in area and shall have the prior approval of the building official. Such signs, banners and directional signs shall be erected not to exceed two weeks prior to the scheduled date of event and removed five days after the scheduled event ends.
- (11) Civic directory signs. The town may erect, or approve and permit to be erected, signs at or near the town limits, for the benefit of visitors, on which may be listed institutional names, churches and points of interest. Civic organizations and religious institutions may be permitted to place their insignias thereon.
- (12) Town public notice sign. The town may use one sign of any type on the premises of the town hall to aid in the provision of due public notice for public meetings. The purpose of this sign shall be to inform the citizens of the town of public meetings in the absence of a local daily newspaper of paid general circulation. This sign shall not satisfy or be used in lieu of any statutory requirements to advertise public meetings.
- (13) Corporate flags. A single corporate flag may be permitted on a premises subject to the following conditions:
  - a. For the purpose of this section, a corporate flag shall be defined as a flag, imprinted upon which is a nationally or internationally recognized trademark or logo for a specific corporate entity. Corporate flags shall be attached to ground poles mounted on the ground. Corporate flags in combination with other flags shall be limited to a total of three in number, with the maximum height of all flags combined to be 20 percent of the height of the pole. Such flags shall not be used in such a way as to attract the attention of the public for commercial purposes. The maximum height on flag poles shall be 30 feet.
  - b. A corporate flag shall be permitted only on parcels of land which are zoned commercial or industrial and upon which a structure has been constructed which is occupied by a single tenant.
  - c. In reviewing an application for a corporate flag, the building official or planning commission, whichever is applicable, shall consider, among other things, the appropriateness of the size of the flag in relation to the entire parcel, and the existing or proposed on-site signage program for the parcel for which approval of the flag is being sought.

(Ord. No. 5-92, § 8.15, 8-25-92; Ord. No. 7-93, §§ 19, 20, 6-8-93; Ord. No. 18-93, § 2, 10-12-93; Ord. No. 04-06, § 1, 12-12-06; Ord. No. 02-08, § 1, 10-14-08)

### Sec. 34-575. - Political signs.

Political signs require a permit in accordance with the following provisions:

- (1) A temporary sign permit for erection of political signs must be obtained from the town clerk. An individual may erect up to ten signs per permit fee of \$25.00.
- (2) Such permit shall be issued for a period not to exceed 90 consecutive days; however, in the event the signs are erected by a candidate or regarding an issue which shall involve more than one election, then the permit shall be deemed extended to the date of election to which the sign pertains.

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- (3) Within ten days after the election to which the sign pertains, all political signs posted by an applicant shall be removed by the applicant. If an applicant fails to so remove the signs, then the town is authorized to remove and dispose of all political signs erected by the applicant.
- (4) Political signs must also comply with subsections 34-579(a)(5) and (b) and [section] 34-580.

(Ord. No. 5-92, § 8.16, 8-25-92; Ord. No. 7-93, § 21, 6-8-93; Ord. No. 02-08, § 1, 10-14-08; Ord. No. 02-13, § 1, 6-11-13)

### Sec. 34-576. - Outdoor advertising signs.

The owners of property of any classification situated within the town are prohibited hereby from erecting, replacing or moving onto any property any outdoor advertising signs, commonly known as billboard signs. No existing outdoor advertising sign shall be extended, enlarged or increased in width, height or length or distance from the ground. However, all such billboards shall be maintained in a safe and usable condition until it is removed. Any such outdoor advertising sign that is damaged from any cause in excess of 50 percent of its assigned value may not be rebuilt, shall be removed and the site placed in a clean and orderly condition. Existing outdoor advertising signs not located on property protected by state and federal regulations shall be subject to the requirements of prohibited signs (see section 34-580).

(Ord. No. 5-92, § 8.17, 8-25-92; Ord. No. 04-06, § 1, 12-12-06)

### Sec. 34-577. - Nonconforming signs.

- (a) Signs or sign structures made nonconforming by Ordinance No. 04-06, enacted December 12, 2006, shall be governed by the following regulations:
  - (1) A sign existing within the town which, because of its height, square foot area, location or other characteristic, does not conform to the sign regulations is hereby declared to be a nonconforming sign.
  - (2) Failure to remove a nonconforming sign under the requirements of this subsection shall cause the sign to be declared an illegal sign, subject to disposition pursuant to section 34-581, pertaining to the removal of certain signs.
  - (3) Nonconforming signs and sign structures previously permitted, existing at the time of passage of this article, not in conformance with the article may continue under the provisions for nonconforming structures provided in sections 34-278 and 34-279 of this Code.
- (b) The status afforded under this section shall not be applicable to any sign for which no sign permit was ever issued. Such signs are deemed illegal signs and are subject to the provisions of this article governing illegal signs.

(Ord. No. 5-92, § 8.18, 8-25-92; Ord. No. 7-93, §§ 22—24, 6-8-93; Ord. No. 04-06, § 1, 12-12-06)

### Sec. 34-578. - Conforming, nonconforming signs prohibited for the same occupancy.

No conforming sign or sign structure shall be permitted to be erected for the same occupancy with an existing nonconforming sign until the nonconforming sign has been removed or made conforming.

(Ord. No. 5-92, § 8.19, 8-25-92)

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### Sec. 34-579. - Temporary signs.

#### (a) Temporary signs may be used:

- (1) To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located. Such signs may only be placed on the property to which the sign relates. Such signs shall be removed within five business days of the closing of the sale of property or building to which the sign relates.
- (2) To indicate the grand opening of a business or other activity. Such messages may be displayed for a period not exceeding 14 days within the first three months that the occupancy is open for business.
- (3) To identify construction in progress. Such message shall not be displayed more than 15 days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within 30 days after the message is displayed, or if construction is discontinued for a period of more than 15 days, the message shall be removed, pending initiation or continuation of construction activities.
- (4) To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall occur first.
- (5) To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be removed within five days after the special event.

#### (b) Temporary signs, under this section, shall not exceed six square feet in sign area and only one such nonilluminated sign is allowed for each parcel of property. There may be one additional sign, subject to the same conditions of the first sign, if the property has double frontage. (A river frontage is considered to be a second frontage.)

(Ord. No. 5-92, § 8.20, 8-25-92; Ord. No. 7-93, § 25, 6-8-93; Ord. No. 04-06, § 1, 12-12-06; Ord. No. 02-13, § 1, 6-11-13)

### Sec. 34-580. - Prohibited signs.

The following signs are hereby prohibited in all districts:

- (1) Traffic or pedestrian hazards. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring or method of illumination. Any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way. Specifically prohibited are signs using:
  - a. Moving signs, except time and temperature displays.
  - b. Bare or flashing bulbs in excess of 11 watts.
  - c. Bare or flashing LED (light emitting diode) or other flashing lights.
- (2) Signs made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment.
- (3) Snipe signs.



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- (4) Signs adjacent to residentially zoned land shall be subject to the following conditions: No sign shall be located within 50 feet of any residentially zoned property, except signs advertising uses allowed outright in that residential zone that conform with section 34-573 relating to that zone.
- (5) Any ground signs, poles, pylon or remotely removed signs that are electronically illuminated or powered by overhead or aboveground wiring.
- (6) Permanent spotlights or floodlights except where such spotlight or floodlight is nonrevolving and in a fixed position and when such light radiates only on the owner's premises or signs and not toward any street, roadway or neighboring building.
- (7) Swing signs.
- (8) Abandoned signs.
- (9) Vehicle signs. This section is not intended to prohibit any form of public vehicular signage such as a sign attached to a bus. Neither shall this section prohibit a sign lettered on or attached to a motor vehicle in a manner to primarily identify the vehicle with the business it serves and is less than six square feet in area.
- (10) Outdoor advertising signs, except where protected by federal and state law.
- (11) Roof signs.
- (12) Projecting signs.
- (13) Any sign which becomes unsightly. Unsightly as used herein shall mean any sign which is faded so that it is difficult to read, rusted, exhibits peeling paint, is bent and/or damaged or upon which graffiti has been placed. Dilapidated and unsightly signs shall be repaired or removed within 30 days after notification is given.
- (14) Any sign which emits sound, odor or visible matter.
- (15) Any sign which obstructs free ingress and egress from a required door, window, fire escape or other required exit way.
- (16) Sandwich signs.
- (17) Any other sign not expressly permitted by this article.

(Ord. No. 5-92, § 8.21, 8-25-92; Ord. No. 7-93, § 26, 6-8-93; Ord. No. 02-08, § 1, 10-14-08)

### Sec. 34-581. - Removal of certain signs.

- (a) Any abandoned sign shall be removed by the owner, agent or person having the beneficial use of the building, structure or property upon which such sign may be found.
- (b) Any sign or advertising display now existing for which the proper permit was not secured is declared illegal and must be removed within one year from notification.
- (c) The sign deemed illegal under subsection 34-581(b) may be continued in use if all the requirements of this article are fully complied with and the sign meets the standards and criteria for the zoning district in which it is located with proper application for zoning approval plus payment of a fee double the amount normally paid for a sign permit.
- (d) All parasite signs and beacon lights shall be removed within 30 days after the effective date of the adoption of the ordinance from which this article is derived.

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- (e) Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the town commission or code enforcement officer, the owner thereof, or the person or firm maintaining the sign, shall, upon notice from the town commission, forthwith in the case of immediate danger, and in any case within ten days, secure the sign in a manner to be approved by the town commission, in conformity with the provisions of this article or remove such sign. If corrections are not made, the town commission will issue a written notice for correction to be made within the prescribed time limit. If corrective action is not taken upon expiration of the time limit, the town commission will cause corrective action to be taken at the expense of the owner.

(Ord. No. 5-92, § 8.22, 8-25-92; Ord. No. 04-06, § 1, 12-12-06)

Secs. 34-582—34-610. - Reserved.

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## ARTICLE X. - CONCURRENCY

Sec. 34-611. - Short title.

This article shall be referred to and known as the concurrency management system and regulations of the town land development code. (Ord. No. 5-92, § 9.2, 8-25-92)

Sec. 34-612. - Purpose and intent.

The purpose of this article is to describe the requirements and procedures for determination of the consistency of proposed development projects with the town comprehensive plan, in regard to meeting the concurrency requirements of the plan. (Ord. No. 5-92, § 9.3, 8-25-92)

Sec. 34-613. - Concurrency management system generally.

This concurrency management system is based upon the town comprehensive plan, specifically the capital improvements element and adopted level of service standards. The system is designed to ensure that the issuance of a final development order will not result in a degradation of the adopted levels of service for specified public facilities and services. The system also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards. (Ord. No. 5-92, § 9.4, 8-25-92)

Sec. 34-614. - Adopted levels of service shall not be degraded.

(a) General rule.

- (1) All applications for development orders shall demonstrate that the proposed development does not degrade the adopted levels of service in the town. See section 34-620 for level of service standards.
- (2) An application for a development permit shall demonstrate that the proposed development does not degrade the adopted levels of service if there exists no development order under which the permit is sought, and no development order is required prior to the issuance of the permit, e.g., a residence on a lot of record.
- (3) The latest point in time at which concurrency is determined is the final development order. If no development order is required, the latest point in time to determine concurrency is the first development permit on a site.

(b) Exception. Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met in accordance with F.A.C. 9J-5.0055.

(c) Determination of project impact. A determination of a proposed development's impact to facilities shall be the comparison of the expected demand on facilities attributable to the proposed development and the available capacity of facilities. The available capacity must be equal to or greater than the expected additional demand attributable to proposed development. The comparison shall be made for each of the following facilities: wastewater, transportation, drainage (stormwater management), solid waste, potable water, and recreation. The expected demand for a proposed development shall be made using generally accepted engineering standards. When a future land use map or zoning change is sought without a development proposal, concurrency shall be evaluated for the potential use of the proposed future land use or zoning category which incurs the greatest demand on each of the facilities for which adopted level of service standards exist.

(d) Wastewater demand. Wastewater demand at a minimum shall be calculated using the estimated demand standards found in Table IV-A-1 of the town's comprehensive plan.



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- (e) Transportation demand. Transportation demand shall be calculated using the following methods. The impact of proposed development activity on available capacity shall be determined as follows:
- (1) The area of impact of the development, a traffic shed, shall be determined. The traffic shed shall be that area where the primary impact of traffic to and from the site occurs. If the town has designated sectors of the jurisdiction for determining development impacts and planning capital improvements, such sectors or planning areas may be used.
  - (2) The projected level of service for roads within the traffic shed shall be calculated based upon estimated trips to be generated by the project. Where the development will have access to more than one road the calculations shall show the split in generated traffic and state the assumptions used in the assignment of traffic to each facility. The number of trips shall be estimated using the most recently published Trip Generation Manual of the Institute of Transportation Engineers (ITE). If data is available which will give a more precise estimate, such as actual traffic counts made at a similar facility in the town, that source may be used and a full citation of the source and methods shall be presented with the trip generation estimates.

(Ord. No. 5-92, § 9.5, 8-25-92)

### Sec. 34-615. - Determination of available capacity.

For the purpose of these regulations the available capacity of a facility shall be determined by:

- (1) Adding together:
  - a. The total capacity of existing facilities operating at the required level of service; and
  - b. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
    1. Construction of the new facilities is under way at the time of issuance of the final development order, or, where no final development order is required, construction of the new facilities is underway at the time of issuance of the first development permit for a site;
    2. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order, or, where no final development order is required the new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the first development permit for a site; and
    3. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order pursuant to F.S. ch. 380. Such facilities shall be consistent with the capital improvements element of the town comprehensive plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (2) Subtracting from that number summed under subsection 34-615(1) the sum of:
  - a. The demand for the service or facility created by existing development as documented in the town comprehensive plan; and

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- b. The demand for the service or facility created by development permitted since adoption of the comprehensive plan and prior to adoption of the town's land development regulations pursuant to F.S. § 163.3202, and the anticipated completion of other approved developments, redevelopment or other development activity.
- (3) Resultant of calculations in subsections 34-615(1) and 34-615(2). The resultant of the adding together of existing and committed facility availability, and subtracting from that value the existing and committed facility demand, shall be the available capacity at the latest point in time at which concurrency is determined.

(Ord. No. 5-92, § 9.6, 8-25-92)

Sec. 34-616. - Action upon failure to show available capacity.

Where the value of available capacity cannot be shown to be the necessary value needed to serve a proposed development, the following methods may be used to maintain the adopted level of service:

- (1) The project owner or developer may provide the necessary improvements to maintain the level of service. In such case, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.
- (2) The proposed project may be altered such that the projected level of service is no less than the adopted level of service.

(Ord. No. 5-92, § 9.7, 8-25-92)

Sec. 34-617. - Burden of showing compliance.

The burden of showing compliance with these level of service requirements shall be the responsibility of the developer. In order to be approvable, applications for development shall provide sufficient information showing compliance with these standards, which may require calculation of expected facility demand to be certified by a professional engineer registered in the state.

(Ord. No. 5-92, § 9.8, 8-25-92)

Sec. 34-618. - Initial determination of concurrency.

The initial determination of concurrency occurs during the review of the preliminary development plan and shall include compliance with the level of service standards adopted by the town. When a proposed development is not required to be authorized by a final development order the initial determination of concurrency shall occur during the review of the proposed development plan prior to issuance of a development permit.

(Ord. No. 5-92, § 9.9, 8-25-92)

Sec. 34-619. - Annual report.

- (a) Contents. The town shall prepare an annual report on the concurrency management system that includes:

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- (1) A summary of actual development activity, including a summary of certificates of occupancy, indicating the quantity of development represented by type and square footage.
  - (2) A summary of building permit activity, indicating:
    - a. Those that expired without commencing construction;
    - b. Those that are active at the time of the report;
    - c. The quantity of development represented by the outstanding building permits;
    - d. Those that result from final development orders issued prior to the adoption of this chapter; and
    - e. Those that result from final development orders issued pursuant to the requirements of this chapter.
  - (3) A summary of preliminary development orders issued, indicating:
    - a. Those that expired without subsequent final development orders;
    - b. Those that are valid at the time of the report; and
    - c. The phases and quantity of development represented by the outstanding preliminary development orders.
  - (4) A summary of final development orders issued, indicating:
    - a. Those that expired without subsequent building permits;
    - b. Those that were completed during the reporting period;
    - c. Those that are valid at the time of the report but do not have associated building permits or construction activity; and
    - d. The phases and quantity of development represented by the outstanding final development orders.
  - (5) An evaluation of each facility and service indicating:
    - a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
    - b. The portion of the available capacity held for valid preliminary and final development orders;
    - c. A comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
    - d. A comparison of actual capacity and levels of service to adopted levels of service from the town comprehensive plan; and
    - e. A forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the town capital improvements element.
- (b) Use of the annual report. The concurrency management system annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the 12 months following completion of the annual report.

(Ord. No. 5-92, § 9.10, 8-25-92)

Sec. 34-620. - Adopted levels of service.

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- (a) Potable water. Development activity shall not be approved unless there is sufficient available capacity to sustain the following level of service for potable water as established in the potable water subelement of the town comprehensive plan:

Minimum design flow: 65 gallons per capita per day

- (b) Wastewater. The comprehensive plan for the town allows the use of septic tanks for individual on-site wastewater treatment. Septic tanks and their associated drainfields are to be installed in accordance with the state department of health and rehabilitative services F.A.C. 10D-6, and the state department of environmental regulations F.A.C. 62-600. Septic tanks should be inspected for sludge and scum accumulation approximately every other year. If inspections are not performed pump-outs should be performed every three to five years. The existing level of service concept is not applicable to the town, since all wastewater is treated by individual on-site wastewater treatment systems, septic systems. All septic systems are hereby required to be installed in an environmentally safe manner, as to prevent degradation of the Withlacoochee River. Should a centralized sewerage facility be installed in the town, a level of service standard will be established through a comprehensive plan amendment.
- (c) Transportation system. Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the traffic circulation element of the town comprehensive plan:

| Type of Facility    | Peak Hour Level of Service |
|---------------------|----------------------------|
| Principal Arterials | C                          |
| Major Collectors    | C                          |
| Minor Collectors    | C                          |

- (d) Drainage system. Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the drainage subelement of the town comprehensive plan. The level of service for the town drainage system is equivalent to the regulations of the Southwest Florida Water Management District for open basins as provided for in F.A.C. 40D-4 and 40D-40, but in addition removing all exemptions for all subdivisions, residential, commercial, and industrial land uses. In all cases, the postdevelopment peak rate and amount of discharge may not be greater than the predevelopment peak rate and amount of discharge. The proposed drainage system's detention/retention on runoff calculation shall be those as required for development in Basis of Review for Surface Water Management Permit Application within the Southwest Florida Water Management District.

- (e) Solid waste. Development activities shall not be approved unless there is sufficient available capacity to sustain the following level of service for the solid waste as established in the solid waste subelement of the town comprehensive plan:



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| All Uses                | Level Of Service             |
|-------------------------|------------------------------|
| Collection and disposal | 1.43 lbs. per capita per day |

(f) Recreation. Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the recreation and open space element of the town comprehensive plan:

| Type of Park Facility | Level of Service             |
|-----------------------|------------------------------|
| Vest-pocket/Tot lot   | ½ acre per 1,000 population  |
| Community             | 2 acres per 1,000 population |
| Neighborhood          | 2 acres per 1,000 population |

| Recreational Facility       | Level of Service     |
|-----------------------------|----------------------|
| Picnic table                | 20 per 6,000 persons |
| Baseball field (Regulation) | 1 per 6,000 persons  |
| Tennis court                | 1 per 2,000 persons  |
| Basketball court            | 1 per 5,000 persons  |
| Volleyball court            | 1 per 5,000 persons  |
| Community building          | 1 per 15,000 persons |
| Equipped play area          | 1 per 3,000 persons  |
| Multi-use court             | 1 per 10,000 persons |
| Shuffleboard                | 1 per 6,000 persons  |
| Handball court              | 1 per 10,000 persons |
| Horseshoe court             | 1 per 5,000 persons  |
| Multisport playfield        | 1 per 5,000 persons  |

(Ord. No. 5-92, § 9.11, 8-25-92)

Secs. 34-621—34-650. - Reserved.

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## ARTICLE XI. - TREE PROTECTION

Sec. 34-651. - Short title.

This article shall be referred to and known as the tree protection regulations of the town land development code.

(Ord. No. 5-92, § 11.2, 8-25-92)

Sec. 34-652. - Purpose.

The purpose of this article is to establish which trees present on a development site must be protected from harmful effects of development. A developer must apply the provisions of this article to a proposed development site before the issuance of a preliminary development order or a development permit. Application of the provisions of this article will divide a proposed development site into areas that may be developed and areas where trees must be protected. The proposed development must then be designed to fit within the area to be developed.

(Ord. No. 5-92, § 11.3, 8-25-92)

Sec. 34-653. - Exemptions.

(a) Trees. The following types of trees shall be exempt from the tree protection requirements of this article:

Australian Pine

Chinaberry

Eucalyptus

Mimosa

Citrus

Brazilian Pepper

Acacia

Silk Oak

Norfolk Pine

Oleander

(b) Single-family homes. Lots or parcels of land on which a single-family home is used as a residence shall be exempt from all provisions of these tree protection regulations, except that historic or specimen trees on such parcels shall be protected according to these regulations. This shall not be construed to exempt any residential developments that requires the approval of a development plan. Removal of an historic or specimen tree on such a parcel shall require a final development order that specifies authorization for a removal permit for such tree.

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- (c) Land within a timber T zoning district. Lots, parcels or tracts of land which have a timber T zoning designation shall be exempt from all provisions of these tree protection regulations so as to preserve the use of these lands for silviculture.
- (d) Utility operations. Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility services to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the town five days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.
- (e) Surveyors. A state licensed surveyor in the performance of his duties shall be exempt from all provisions of these tree protection regulations provided such alteration is limited to a swath three feet or less in width.
- (f) Commercial growers. All commercial nurseries, botanical gardens, commercial timber operations, tree farms and grove operations shall be exempt from the provisions of this part, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
- (g) Emergencies. During emergencies caused by a hurricane or other disaster, the town may suspend these tree protection regulations only for removal of trees which pose a hazard to life and property.

(Ord. No. 5-92, § 11.4, 8-25-92)

Sec. 34-654. - Removal of trees.

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

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- g. The tree is located within a timber zone designation.
- (b) Replacement of removed trees.
- (1) Trees removed pursuant to subsection 34-654(a) above shall be replaced at the expense of the developer.
  - (2) For each inch of diameter at breast height removed, an inch of diameter at breast height shall be replaced. The type of tree used for replacement shall be any of the type of protected trees listed in this chapter.
  - (3) A replacement tree may be a tree moved from one location to another on the site, or moved from off the site pursuant to subsection (4) below. The county forester shall prescribe measures to ensure the survival of the tree.
  - (4) Replacement trees shall, if practicable, be planted on the development site. If not practicable, replacement trees may be donated to the town for purposes of planting on public property or a fee in lieu may be paid. The fee shall be based on the cost of purchasing the requisite size and number of replacement trees.
- (c) Historic and specimen trees.
- (1) A historic tree is one that has been designated by the town as one of notable historical interest and value to the town because of its location or historical association with the community. A public hearing shall be held by the town commission on the designation with due notice to the owner of the tree.
  - (2) A specimen tree is one that has been officially designated by the town commission, upon the advice of the county forester, to be of high value because of its type, site, age or other relevant criteria. A public hearing on the designation shall be held by the town commission with due notice to the owner of the tree.
  - (3) No historic or specimen tree shall be removed without a finding by the planning commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree. The developer shall explain in detail and substantiate with facts as part of a preliminary development plan why it is not economically or practically feasible to develop the property without removing the historic or specimen tree.

(Ord. No. 5-92, § 11.5, 8-25-92)

Sec. 34-655. - Protection of trees during development activities.

- (a) Generally. For the protection of trees during development activities the following general provisions apply:
- (1) To ensure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
    - a. Mechanical injuries to roots, trunk and branches;
    - b. Injuries by chemical poisoning;
    - c. Injuries by grade changes;
    - d. Injuries by excavations; and
    - e. Injuries by paving.



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- (2) At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and undertaken in consultation with the town and shall not be construed as limiting the authority of the planning commission to impose additional reasonable requirements as may be necessary to preserve the health of protected trees in particular circumstances.
- (b) Avoiding mechanical injuries. To avoid mechanical injuries to trees during development activities the following provisions apply:
- (1) Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone. See Figure 2.
  - (2) No attachment, wires (other than supportive wires), signs or permits may be fastened to protected trees.
  - (3) No equipment, construction materials or debris of any kind shall be placed within the protective barrier.
  - (4) Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
  - (5) In lieu of constructing the barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of 25 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
  - (6) Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.
- (c) Avoiding injuries due to chemical poisoning. To avoid injuries due to chemical poisoning the following provisions apply:
- (1) No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored or allowed in any manner to enter within a required protective barrier or perimeter line.
  - (2) No equipment shall be cleaned within a required protective barrier or perimeter line.
- (d) Avoiding injuries due to grade changes. Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:
- (1) Raising the grade. When raising the grade, the following measures shall be taken:
    - a. Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
    - b. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
    - c. Porous four-inch agriculture drain tiles shall be laid over the soil to drain liquids away from the trunk. A drop of at least one-eighth-inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
    - d. The number of drains shall depend upon soil material. Lighter sandy soils and porous gravelly material require fewer drains than heavy nonporous soils.

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- e. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
  - f. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a 60-inch diameter well. For slow-growing mature trees, a space of 12 to 18 inches shall be provided between the trunk and the side of the wall at every point.
  - g. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
  - h. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the wall.
  - i. Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
  - j. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
  - k. Large stones shall be placed over the drainpipe tiles and a layer of smaller stones shall be placed over the remainder of the ground within the dripline.
  - l. A layer of gravel shall be placed over the stones.
  - m. The fill shall be completed with a layer of porous soil. See Figures 3, 4 and 5.
- (2) Lowering grade. When lowering the grade, the following measures shall be taken:
- a. Roots shall be cut cleanly and retrimmed after excavation.
  - b. The canopy shall be pruned to aid in maintaining tree vigor.
  - c. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
    - 1. Terracing. The area within the tree protection zone is left at the original grade by terracing.
    - 2. Retaining wall. The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
    - 3. Terracing and retaining wall. The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall. See Figure 6.
- (3) Minor changes in grade. When the change in grade is minor, as determined by the county forestry, lesser protective measures than those described above may be taken. The planning commission shall approve the use of these methods where their use will not endanger the health of the protected tree.
- (e) Avoiding injuries due to excavations.
- (1) Water, sewer and other utility lines should be routed around the tree protection zones of protected trees.
  - (2) If a line cannot reasonably be routed around the tree protection zone, the line shall be tunnelled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main taproots.

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(f) Avoiding injury by paving within the dripline. To avoid injury by paving within the dripline, porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

(Ord. No. 5-92, § 11.6, 8-25-92)

Sec. 34-656. - Special provisions for protection of canopy roads.

(a) Generally. The town commission has determined that certain roadways within the town merit special protection of the trees which line and/or provide canopies over the roadway. It is the purpose of this section to describe those roadway sections and require additional protection through control of activities.

(b) Protection areas. The following roads are designated as tree-lined and canopy road protection areas:

|              |        |                     |
|--------------|--------|---------------------|
| Mastadon     | Oak    | Winding River Trail |
| Runnells     | Elm    | South Hawthorne     |
| Allen Avenue | Sherry | Inglis Avenue       |
| Our Road     | Leveck | River Trail Drive   |

(c) Tree protection. All protected species within an area extending 30 feet on either side of the designated roadways are protected from removal or destruction by the requirements of this section. No protected species within the area of protection shall be removed without a permit. Protected trees which are approved for removal shall be replaced with 1½ times the number of diameter inches at breast height as the removed tree(s).

(Ord. No. 5-92, § 11.7, 8-25-92)

Sec. 34-657. - Preservation of protected trees as grounds for variance from other requirements of this chapter.

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

(Ord. No. 5-92, § 11.8, 8-25-92)

Sec. 34-658. - Enforcement.

(a) The town commission shall have the authority to appoint necessary personnel, designate the appropriate board or commission and establish the necessary rules and regulations for the enforcement of this article.

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- (b) For the purpose of carrying out the provisions and requirements of this article, the town code enforcement officer and the town code enforcement board are empowered to investigate possible violations, inspect premises to determine if proper procedures have been followed, and to issue violation warnings and citations to persons violating the terms of this article. The code enforcement officer shall be authorized to testify on matters relating to this article or investigation conducted in relation to it.

(Ord. No. 5-92, § 11.9, 8-25-92)

### Sec. 34-659. - Permits.

Permits shall be issued by the town building official for removal of trees as specified in a final development order, or in accordance with the provision of this article where no final development order is required. The form and fee schedule for such permit will be established by the town commission to be reviewed on a three-year schedule. Dead trees or those damaged by an act of God shall not require a permit but each such tree must be inspected and approved for removal. If trees, for which a permit is issued, are not removed within 90 days, the permit shall be null and void.

(Ord. No. 5-92, § 11.10, 8-25-92; Ord. No. 01-08, § 1, 5-13-08)

### Sec. 34-660. - Penalties.

Any person who violates any provision of this article shall, upon conviction, be subject to a fine not to exceed \$100.00 per offense. Each tree removed without proper approval shall constitute a separate offence under the terms of this article.

(Ord. No. 5-92, § 11.11, 8-25-92)

### Secs. 34-661—34-680. - Reserved.



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**ARTICLE XII. - HARDSHIP RELIEF: VARIANCES**

Sec. 34-681. - Short title.

This article shall be referred to as the hardship relief/variances and regulations of the town land development code.

(Ord. No. 5-92, § 10.2, 8-25-92)

Sec. 34-682. - Purpose and intent.

The purpose of this article is to provide mechanisms for obtaining relief from the provisions of this chapter where hardship would otherwise occur. Section 34-683 addresses the hardship that may be caused in particular cases by the imposition of this chapter's development design standards while section 34-685 addresses hardship that may be caused by compliance with the flood prevention restrictions.

(Ord. No. 5-92, § 10.3, 8-25-92)

Sec. 34-683. - Variances; procedure.

- (a) Variances granted by planning commission. The planning commission may grant a variance from the strict application of any provision of this chapter, except the land use designations in article IV of this chapter and all provisions in article X of this chapter, if the following procedures are followed and findings made.
- (b) Variances to be considered part of development review. Any person desiring to undertake a development activity not in conformance with this chapter may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the town building official must be approved by the planning commission if a variance is sought. The variance shall be granted or denied in conjunction with the application for development review.

(Ord. No. 5-92, § 10.4, 8-25-92)

Sec. 34-684. - Limitations on granting variances.

- (a) Initial determination. The planning commission shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the planning commission shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the planning commission shall make the required findings based on the cumulative effect of granting the variance to all who may apply. In no case may a variance alter the permissible use of land. If a change in the use of land is sought then the applicant must apply for a land use change through a plan amendment or through a revision of the land development regulations.
- (b) Required findings. The planning commission shall not vary the requirements of any provision of this chapter unless it makes a positive finding, based on substantial competent evidence, on each of the following:
  - (1) There are practical or economic difficulties in carrying out the strict letter of the regulation.

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- (2) The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
  - (3) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
  - (4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
  - (5) The effect of the proposed variance is in harmony with the general intent of this chapter and the specific intent of the relevant subject area(s) of this chapter.
- (c) Imposition of conditions. In granting a development approval involving a variance, the planning commission may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

(Ord. No. 5-92, § 10.5, 8-25-92)

Sec. 34-685. - Special provisions where variance is sought to requirements to flood damage prevention regulations.

- (a) Additional findings. In addition to the findings required above, the planning commission shall find that the requested variance will not result in an increase in the elevation of the base flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances.
- (b) Considerations. Before granting a variance the planning commission shall consider:
  - (1) The danger that materials may be swept from the site onto other lands.
  - (2) The danger to life and property from flooding or erosion.
  - (3) The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.
  - (4) The importance of the services provided by the proposed facility to the community and whether it is a functionally dependent facility.
  - (5) The availability of alternative locations, not subject to flooding or erosion, for the proposed use.
  - (6) The compatibility of the proposed use with existing and anticipated neighboring development.
  - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - (8) Safe vehicular access to the property in times of flood.
  - (9) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and effects of wave action, if applicable, at the site.
  - (10) The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.
- (c) Special restriction for regulatory floodways. Variances that would increase flood levels during the base flood shall not be issued within any regulatory floodway.

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- (d) Flowage easements. No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the base flood more than one foot.
- (e) Notification. All variances to the flood damage prevention regulations shall:
  - (1) Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.
  - (2) State that the variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
  - (3) State that construction below the flood protection level increases risks to life and property.
- (f) Record of variances to be maintained. The building official shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The building official shall report all variances in the annual or biennial report to the town commission.
- (g) Historic properties. Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on, the National Register of Historic Places, the local register of historic places or the state inventory of historic places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.

(Ord. No. 5-92, § 10.6, 8-25-92)



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### ARTICLE XIII. - HAZARDOUS BUILDINGS AND LAND REGULATIONS

#### Sec. 34-686. - Scope.

- (a) Article remedial. This article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.
- (b) Scope. The provisions of this article shall apply to all unsafe buildings and hazardous lands (as defined below).
- (c) Alterations, repairs or rehabilitation work. (1) Alterations, repairs or rehabilitation work may be made to any existing building provided that the alteration, repair or rehabilitation work conforms to the requirements of the standard building code for new construction. The land use officer shall determine, subject to appeal to the planning commission, the extent, if any, to which the existing building shall be made to conform to the requirements of the standard building code for new construction; (2) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in section 10.2 of this article; (3) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the standard building code for the new occupancy classification as established by the building official; and (4) Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

(Ord. No. 07-01, § 1, 7-10-01)

#### Sec. 34-687. - Definitions.

**Excessive growth.** Excessive growth shall mean vegetation over 18 inches high that is or may reasonably become infested by pests or may create a fire or safety hazard. Excessive growth includes vegetation growing from private lands into or across public rights-of-way, utility easements, sidewalks, drainage ditches, swales or streets. It does not include the following unless the growth constitutes a fire or safety hazard:

- (1) Shrubs, trees or bushes (natural or cultivated) used for landscape purposes.
- (2) Controlled, managed and maintained low-maintenance natural landscaping.
- (3) The understory of hammocks that are protected through development regulations, conditions or agreements, and vegetation within wetlands, stormwater retention lake littoral zones, or within 150 feet of a regulated creek.
- (4) Land designated agricultural or conservation on the future land use map.

**Hazardous lands.** Hazardous lands shall mean lands unoccupied as well as occupied upon which there exists a condition or conditions dangerous to the health, welfare or safety of the public in general, or of the occupants of surrounding properties, or of the occupants of such lands, including but not limited to:

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- (1) Land upon which there exists an accumulation of material or items stored outside of a structure, including but not limited to lumber, tires, automobile parts, trash, hazardous waste, abandoned personal property, unusable or discarded household items, inoperative automobiles, appliances, solid waste, dangerous chemicals, explosives or other hazardous substances without sufficient protection for the control of same, junk, used scrap, construction or demolition material, tanks, drums, glass, iron, or any other material or items that may
  - a. Create noxious odors or harmful fumes or particulate.
  - b. Serve as a breeding or nesting place for mosquitoes, rats, mice, poisonous snakes, dangerous wild animals, or insect vermin, in such a manner and to such extent as to pose an immediate danger to the public health and safety.
  - c. Contribute to any other unsafe or unsanitary condition or create a dangerous nuisance attractive to children.
  - d. Create a fire, safety or health hazard.
- (2) Land upon which there is excessive growth as defined above.

Owner. Owner shall mean any person who, alone, jointly or severally with others, holds legal or equitable title to any building or land within the scope of this article and shall include any occupant, lessee, mortgagee or other person having an interest in said building or land as shown by the records of the clerk of the circuit court of Levy County, Florida.

Unsafe building. An unsafe building is a building or structure that has any of the following conditions, such that life, health, property, or safety is endangered:

- (1) Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the standard building code for new buildings.
- (2) Whenever a building, structure or portion thereof has been damaged by fire, flood, subsidence, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the standard building code for new buildings.
- (3) Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed.
- (4) Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
- (5) Whenever any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of town regulations.
- (6) Whenever any building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(Ord. No. 07-01, § 1, 7-10-01)

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### Sec. 34-688. - Organization.

- (a) Enforcement officer. The code enforcement officer shall be the primary enforcement officer of the provisions of this article. The town commission may, by resolution designate other persons as enforcement officer(s) of the provisions of this article. The land use officer or designated enforcement officer(s) shall function as code inspector(s) for circumstances governed by F.S. ch. 162, pt. I. The code enforcement officer(s) will provide primary action for circumstances governed by F.S. ch. 162, pt. II.
- (b) Restrictions on employees. An officer or employee connected with the town shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, the mowing or clearing of a property, or in the making of plans or of specifications thereof, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the town.
- (c) Records. The land use officer shall keep, or cause to be kept, a record of the actions related to this article.

(Ord. No. 07-01, § 1, 7-10-01)

### Sec. 34-689. - Powers and duties.

- (a) Right of entry. The code enforcement officer and the land use official shall enforce the provisions of this article, and such official, or their duly authorized representative may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours to make an inspection or enforce any of the provisions of this article.
  - (1) When entering a building, structure, dwelling, apartment, apartment house, or premises that is occupied, the code enforcement officer or their duly authorized representative shall first identify himself, present proper credentials and request entry. If the building, structure, dwelling, apartment, apartment house, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge of the building and demand entry. If entry is refused, the code enforcement officer or their duly authorized representative shall have recourse to every remedy provided by law, including but not limited to the provisions of F.S. ch. 933.20—933.30, to secure entry.
  - (2) No person, owner or occupant of any building, structure, dwelling, apartment, apartment house, or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the code enforcement officer or their duly authorized representative for the purpose of inspections pursuant to this article. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.
- (b) Inspections. The code enforcement officer, the land use official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
- (c) Liability. Any officer or employee of the town charged with the enforcement of this article, acting for the town in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provision of this article shall be defended by the town attorney until the final termination of the proceedings.



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(Ord. No. 07-01, § 1, 7-10-01)

Sec. 34-690. - Violations; inspections; enforcement.

- (a) Violation. It shall be unlawful for any owner of real property within the city to create, keep, maintain, or allow the existence of any unsafe building or hazardous land, as defined in this article, in or on such property.
- (b) Inspections. The land use officer or code enforcement officer shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe and/or lands which may be hazardous.
- (c) Enforcement. Notice and enforcement shall be in accordance with F.S. ch. 162.

(Ord. No. 07-01, § 1, 7-10-01)

Sec. 34-691. - Notice.

In accordance with F.S. ch. 162, the notice shall provide for a "reasonable time" to correct a violation. If repairs, alterations or demolition of a building or structure are necessary for compliance, a "reasonable time" shall not be less than ten nor more than 90 days. If the violation pertains only to hazardous lands, a "reasonable time" for cleaning or clearing same shall not be less than ten nor more than 30 days.

(Ord. No. 07-01, § 1, 7-10-01)

Sec. 34-692. - Standards for compliance.

The repair or demolition of an unsafe building or structure or clearance of hazardous lands shall be done in accordance with the standard building code or demolished at the option of the owner and/or where hazardous lands are involved, such lands mowed and cleared to remove such health and safety hazard.

(Ord. No. 07-01, § 1, 7-10-01)

Sec. 34-693. - Performance of work.

The repair or demolition of an unsafe building and the clearing and/or mowing of hazardous land as required in the notice by a duly authorized town official or the final decision by the code enforcement board shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this article and all other applicable provisions of these land development regulations and accepted engineering practice standards.

(Ord. No. 07-01, § 1, 7-10-01)

Secs. 34-694—34-699. - Reserved.

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**ARTICLE XIV. - STORMWATER AND DRAINAGE MANAGEMENT DURING DEVELOPMENT, MAINTENANCE OR REDEVELOPMENT ACTIVITIES<sup>(11)</sup>**

**Cross reference**— Stormwater management utility, § 70-131 et seq.

Sec. 34-700. - Short title.

This article shall be referred to as stormwater and drainage management during development, maintenance or redevelopment activities regulations of the town land development code.

(Ord. No. 09-04, § 1(Att. A), 8-10-04)

Sec. 34-701. - Purpose and intent.

The purpose of this chapter is to establish requirements for managing drainage and stormwater runoff for new development or rehabilitation work in Inglis. Goal 4 in Chapter IV of the Inglis Comprehensive Plan Adoptable Portion (adopted May 18, 1990) requires that stormwater be managed for quality and quantity. These requirements are intended to supplement, not replace, requirements of other ordinances.

(Ord. No. 09-04, § 1(Att. A), 8-10-04)

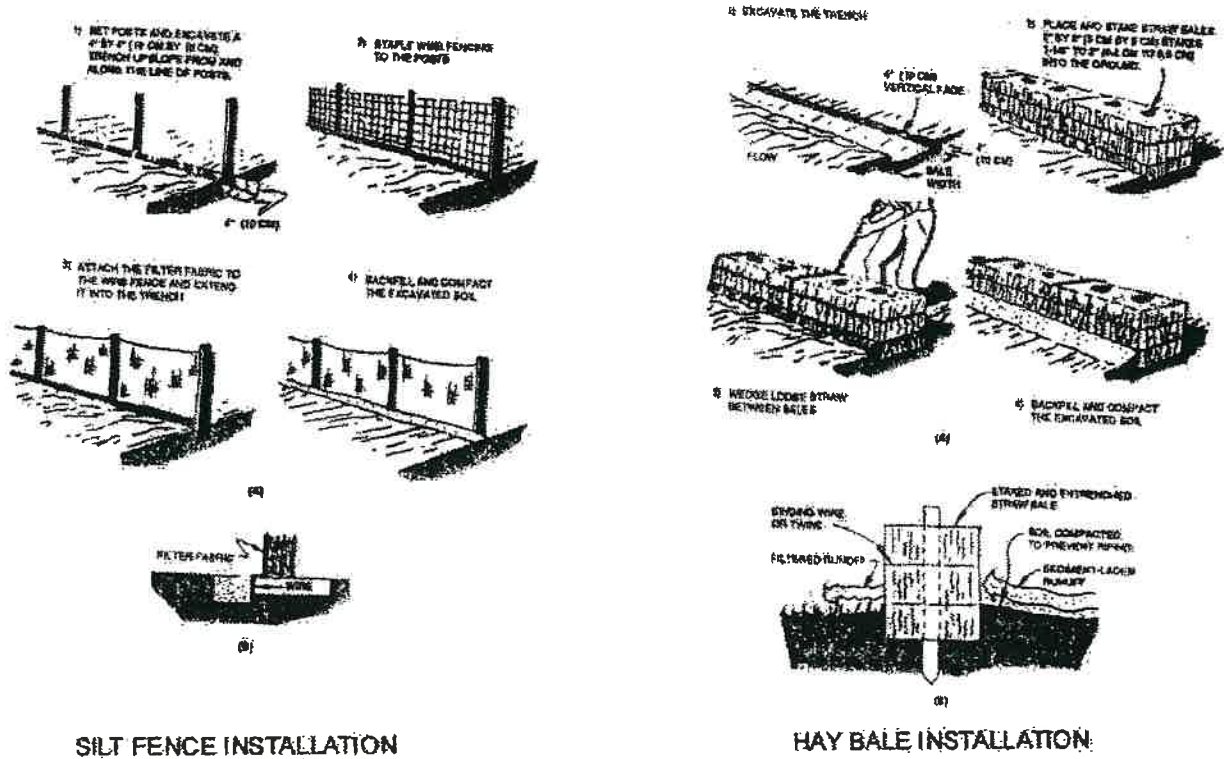
Sec. 34-702. - Site preparation.

The purpose of this section is to establish requirements for any site preparation work. These requirements are intended to supplement, not replace, existing requirements in other sections of this Code.

A construction water control plan shall accompany all permit applications for new development orders submitted pursuant to section 34-35 and also for all building permits for rehabilitative and maintenance projects. These plans should clearly demonstrate how stormwater runoff will be moved throughout the site during construction. Typical management techniques include use of staked hay bales, prefabricated silt fence, temporary swale and ponding areas. Typical methods that may be used are shown in Figure XIV-1. Applications shall also specify the types and frequency of routine inspections to be used for systems established to meet these requirements. Maintenance should be performed immediately upon detection of a problem.

Silt laden water must be treated prior to discharge offsite. Where required, sedimentation ponds shall be used for settling purposes. Sedimentation traps, grassed swales and filtration through vegetated areas may also be approved as a means to remove sediment. A typical sedimentation pond is depicted in Figure XIV-2.

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SILT FENCE INSTALLATION

HAY BALE INSTALLATION

Figure XIV-1 TYPICAL HAY BALE AND SILT FENCE INSTALLATION

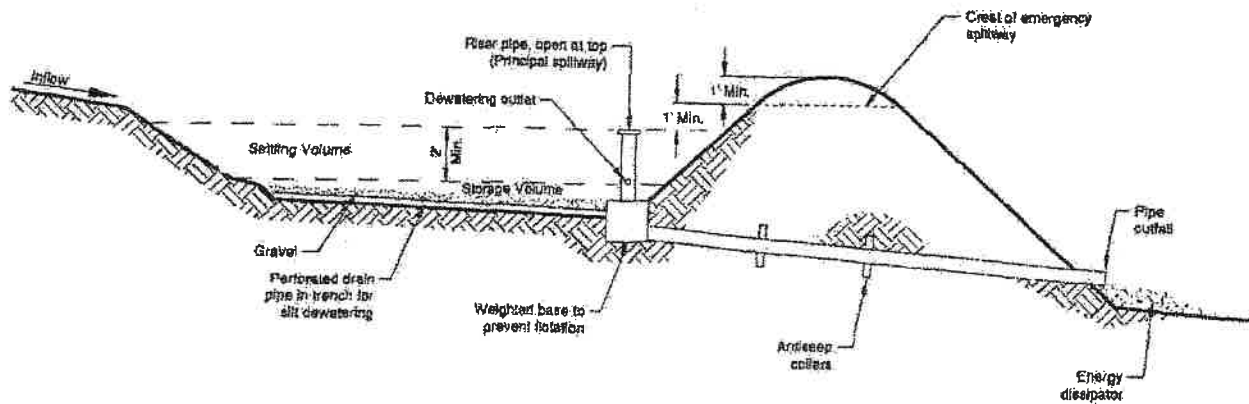


Figure XIV-2 TYPICAL SEDIMENTATION POND

(Ord. No. 09-04, § 1(Att. A), 8-10-04)

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### Sec. 34-703. - Earthwork.

Earthwork includes site grading and changing existing drainage patterns. All earthwork shall be performed in such a manner as not to inadvertently disrupt natural or normal drainage patterns. A detailed grading plan shall be required prior to construction. The grading plan should clearly show existing drainage patterns and topography. Proposed or final grades should also be included in the grading plan. Other areas of concern to be addressed include:

- (1) Temporary or permanent placement of fill which blocks a drainageway should be avoided.
- (2) Earthened stockpiles or excavation areas should be stabilized or other measures taken to prevent erosion and sediment transport problems.
- (3) Incomplete fill projects or partially excavated pits, trenches or channels must be completed and stabilized. Assurances that the project will be completed should be provided to the town's satisfaction prior to construction.
- (4) The aggregate effect of unregulated filling in flood plains or other surface water storage areas should be avoided unless it can be demonstrated that compensating storage is provided.
- (5) Encroachment into drainageways should be avoided. No net reduction in conveyance capacity should occur as a result of land development projects, rehabilitation projects or maintenance projects.
- (6) Spoil material should not be placed such that culverts are impeded or blocked in any manner.

(Ord. No. 09-04, § 1(Att. A), 8-10-04)

Secs. 34-704—34-799. - Reserved.



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### ARTICLE XV. - SPECIAL EXCEPTIONS.

Sec. 34-800. - Special exception review procedures.

- (a) Power of town commission. The town commission shall have the power to hear and decide when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when they would not promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or the general welfare, in accordance with the special exception review process of this section.
- (b) Special exception review process.
  - (1) Applicant petition. Any owner of real property may apply for special exception zoning by filing an application with the land use official. The application shall be on a form developed by the land use official and be in writing. It must identify the parcel owner, the legal description, the address of the parcel and a description of the proposed land use/special exception and conformance with special exception criteria. The application shall also include, but is not limited to the following:
    - a. Site and development plan at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, offstreet parking and offstreet loading areas and refuse and service areas; required yards and other open spaces;
    - b. Plans for open space, screening and buffering with reference as to type, dimensions, and character;
    - c. Proposed landscaping and signs and lighting, including type, dimensions, and character;
    - d. Other elements required for concept plan review [see subsection 34-40(c)];
    - e. In cases where a special exception is required, the special exception process must be completed prior to any application for development plan review. The development plan approved for the special exception should serve as the concept plan in the development review process.
  - (2) Advisory review by planning commission and planning commission report. All proposed special exception applications shall be publicly reviewed and heard in the first instance by the planning commission although the planning commission's recommendations shall be only advisory to, and not binding on, the town commission. The planning commission shall hold a public hearing to consider the proposed special exception application. The land use officer shall set a reasonable time for the hearing, give public notice thereof, post notice on the property, and provide due notice to the parties involved and to property owners, listed on the most recent tax roll, within 400 feet of the proposed special exception property. The hearing may be transcribed at the expense of the applicant.
    - a. Following the public hearing at which the special exception application is reviewed by the planning commission, the planning commission shall submit a report to the town commission containing findings and recommendations concerning the proposed special exception. The planning commission's report shall be advisory only to the town commission. The report shall address each of the criteria for special exception listed in this section.

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- (3) Town commission review. The town commission shall, after required public notice, consider the application. The town commission shall set a reasonable time for a public hearing to consider the application. The town commission may reject or adopt, in whole or in part, the findings or recommendations of the planning commission and is not bound by any such advisory findings or recommendations. The town commission shall consider, approve, approve with conditions, or deny, the application for special exception upon review of the criteria in this section. The applicant shall be afforded an opportunity to present evidence in support of the application. The hearing may be extended to accommodate either the town commission or the applicant.
- a. The town commission shall consider and weigh each of the following criteria for the special exception. After consideration, and any public testimony, if the town commission finds that the criteria are substantially met, then the town commission shall approve the special exception, with or without conditions.
- (4) Special exception criteria. The applicant must provide sufficient evidence to demonstrate that the special exception use is consistent with the Land Development Code with special emphasis on the following criteria:
- a. Will not create any traffic congestion or safety issues. The proposed site plan shall include safe and convenient ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. Standards for the assessment of traffic issues will include but not be limited to: The adopted level of service, the trip generation rate of the proposed use when compared to neighboring uses, the ability of the site to accommodate peak vehicular traffic on site without affecting traffic flow or ingress/egress of adjacent uses, driveways for the proposed use shall be at least 25 feet from all other existing driveways;
- b. Includes adequate offstreet parking and loading areas and appropriate space for any other activities taking place outside a building, where proposed, with particular attention to reasonable precautions to minimize noise, glare, dust and fumes. Standards for the assessment of parking and loading issues will include but not be limited to: space for turning movements of delivery trucks on site;
- c. Includes adequate provision for refuse and service areas. Standards for the assessment of refuse and service areas will include but not be limited to: The distance or visibility from any adjacent or nearby residential uses especially those located in single-family residential zones;
- d. Includes adequate provision for utilities;
- e. Includes adequate landscape screening and buffering depending on the type, dimensions, and character of the design for the special exception. Standards for the assessment of screening and buffering issues will include but not be limited to: The distance or visibility from any adjacent or nearby residential uses, especially those located in single-family residential zones;
- f. Incorporates signage, if any, and proposed exterior lighting in accordance with all other applicable requirements of the Town of Inglis Land Development Code;
- g. Complies with the comprehensive plan;
- h. Does not unreasonably impact the load on public facilities such as schools, utilities, and streets;

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- i. Does not create unmitigated environmental impacts that would not otherwise be subject to the jurisdiction of federal, state or regional authorities.
- j. Appropriate measures have been taken to reduce noise, glare, smoke, odor, dust, fumes and vibrations and general negative effects of the special exception on adjoining properties and properties in the area; impermeable containment of adequate size must be used to contain potential spills of on-site solvents, chemicals and/or materials of a hazardous nature.
- k. In the process of assessing the criteria above, all matters of compatibility shall be assessed using a methodology that takes into account the following factors when compared to the expected intensities of the proposed special exception use: site suitability, the zoning pattern in the vicinity, surrounding and nearby uses, potential drainage impacts to surrounding properties, compatibility adjacent and nearby natural resources and open spaces.

The findings of the planning commission as presented in the planning report are unique to the project under review and are not applicable to any other request for a special exception.

- (5) Findings of the town commission. Following the public hearing, the town commission shall include specific findings upon which it shall base its approval or denial of the special exception application.
- (6) Approval. If approved, or approved with conditions, the town commission shall duly promulgate a resolution containing such approval, consistent with the Town of Inglis Comprehensive Plan.
  - a. Approval of a special exception use shall extend to all successors and assigns of title to the subject property, unless approval of the special exception is granted specifically to the applicant and such approval is documented in the adoption resolution.
  - b. Approval of a special exception shall expire after one year, however, a 12-month extension may be recommended by the planning commission and granted by the town commission.
- (7) Denial. If the town commission denies a special exception application, it shall state fully in its findings, its reasons for doing so. Such reasons shall take into account the factors stated in this section, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific special exception requested, if any.
  - a. Following a denial by the town commission an applicant may not reapply for the same special exception for a period of one year from the date of the denial.
- (8) Appeals. Appeals of decisions of the town commission shall be to the circuit court.

(Ord. No. 08-07, § 1(Att. A), 12-11-07; Ord. No. 05-09, § 1, 9-8-09)



INGLIS LAND DEVELOPMENT REGULATIONS

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