# CITY OF
# LIVE OAK

## LAND DEVELOPMENT REGULATIONS

***Adopted***

**AUGUST 11, 1992**
*(See Codification Record below for version date)*

# CITY OF LIVE OAK

# LAND DEVELOPMENT REGULATIONS

Prepared for

City of Live Oak City Council

Prepared by

City of Live Oak Local Planning Agency

With Assistance from:

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# PART III LAND DEVELOPMENT REGULATIONS*

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***State law references:** Land development regulations, F.S. § 163.2202.

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## CONTENTS


| | | PAGES |
|---|---|---|
| **ARTICLE 1** | **General Provisions.** | **ART 1 - 1 to 4** |
| Sec. 1.1. | Short title | |
| Sec. 1.2. | Authority | |
| Sec. 1.3. | Jurisdiction | |
| Sec. 1.4. | Relationship to existing land development ordinances | |
| Sec. 1.5. | Relationship to the Comprehensive Plan | |
| Sec. 1.6. | Conformity with land development regulation provisions | |
| Sec. 1.7. | Pro-Business and Growth Declaration | |
| Sec. 1.8. | Fees | |
| Sec. 1.9. | Severability | |
| Sec. 1.10. | Computation of time | |
| Sec. 1.11. | Repeal of conflicting ordinances | |
| **ARTICLE 2** | **Definitions.** | **ART 2 - 1 to 48** |
| Sec. 2.1. | Definitions. | |
| **ARTICLE 3** | **Administrative Mechanisms and Procedures.** | **ART 3 - 1 to 38** |
| Sec. 3.1. | Administrative Bodies | |
| Sec. 3.2. | Local Planning Agency and City Council Duties | |
| Sec. 3.3. | Planning and Zoning Board | |
| Sec. 3.4. | Board of Adjustment | |
| Sec. 3.5. | Amendments | |
| Sec. 3.6. | Annexation | |
| Sec. 3.7. | Special Impact Permits | |
| Sec. 3.8. | Appeals and Interpretation | |
| Sec. 3.9. | Special Exceptions | |
| Sec. 3.10. | Variances | |
| Sec. 3.11. | Subdivision Review | |
| Sec. 3.12. | Planning and Zoning Board Site and Development Plan Review and In-House Staff Plan Review | |
| Sec. 3.13. | Historic Sites and Structures Preservation Regulations | |
| Sec. 3.14. | Hearing Procedures | |

**ARTICLE 4 Zoning Regulations – Pt. I**

**Sec. 4.1 to 4.18 – General & District Standards. ART 4 Zoning - 1 to 92**

Part A General

Sec. 4.1. Official Zoning Atlas
- 4.1.2. Rules for interpretation of district boundaries
- 4.1.3. Schedule of district regulations
- 4.1.4. Application of district regulations
- 4.1.5. Lots divided by district lines
- 4.1.6. Nonconforming Lots, Nonconforming Uses of Lane, Nonconforming Structures, Nonconforming Characteristics of Use, Nonconforming Use of Structures and Premises
- 4.1.7. Vested rights

Part B Conservation, Agricultural, and Public Districts
Part C Residential Districts
Part D Commercial and Industrial Districts
Part E Planned and Mixed-Use Development Districts
Part F Supplemental Standards

Sec. 4.2. CSV – Conservation
Sec. 4.3. A – Agricultural
Sec. 4.4. R – Residential-(conventional, unconventional, infill) Single-Family
Sec. 4.5. RSF/MH – Residential-(mixed) Single-Family/Manufactured Home
Sec. 4.6. (Reserved)
Sec. 4.7. RMH-P – Residential-Manufactured Home – Park
Sec. 4.8. RMF – Residential-Multiple-Family
Sec. 4.9. R-O – Residential-Office
Sec. 4.10. O-I – Office-Institutional
Sec. 4.11. C-N – Commercial-Neighborhood
Sec. 4.12. C-G – Commercial-General
Sec. 4.13. C-I – Commercial-Intensive
Sec. 4.14. C-CBD / C-D – Commercial-Central Business District / Central-Downtown
Sec. 4.15. CSC – Commercial-Shopping Center
Sec. 4.16. ILW – Industrial-Light and Warehousing
Sec. 4.17. I – Industrial
Sec. 4.18. PRD – Planned Residential Development

**Sec. 4.19 – Zoning Regs. Pt II – Supplemental. ART 4 Supp - 1 to 20**

Sec. 4.19.1. Scope
Sec. 4.19.2. Accessibility for the physically disabled or handicapped
Sec. 4.19.3. Access control
Sec. 4.19.4. Accessory uses and structures
Sec. 4.19.5. Alcoholic beverages
Sec. 4.19.6. Automotive fuel stations

Sec. 4.19.7. Development of land and structures thereto, on a platted or un-platted parcel(s) of record
Sec. 4.19.8. Exclusions from height limitations
Sec. 4.19.9. Fallout shelters
Sec. 4.19.10. Fences, walls, and hedges
Sec. 4.19.11. Landscaped buffer areas
Sec. 4.19.12. Community Redevelopment Area (CRA) District Development Standards
Sec. 4.19.13. Reserved
Sec. 4.19.14. Moving of buildings and structures
Sec. 4.19.15. Off-street parking and loading
Sec. 4.19.16. Parking, storage, or use of major recreational equipment
Sec. 4.19.17. Parking and storage of certain vehicles
Sec. 4.19.18. Performance standards
Sec. 4.19.19. Railroad right-of-way

**Sec. 4.19 – Zoning Regs. Pt. III – Sign Regulations. ART 4 Supp - 21 to 62**

Sec. 4.19.20. Sign regulations
Sec. 4.19.20.1. Jurisdiction
Sec. 4.19.20.2. Applicability of other code or regulatory requirements or actions
Sec. 4.19.20.3. Definitions
Sec. 4.19.20.4. Signs not requiring zoning review (exempt signs)
Sec. 4.19.20.5. Requirements for all Non-Exempt signs
Sec. 4.19.20.6. Enforcement
Sec. 4.19.20.7. General regulations
Sec. 4.19.20.8. Prohibited signs and/or instances
Sec. 4.19.20.9. On-site signs permitted by specific criteria and type by Zoning District
Sec. 4.19.20.9.1. Superscript and abbreviation chart
Sec. 4.19.20.9.2. Road and street level type designations
Sec. 4.19.20.9.3. Tables of standards
Sec. 4.19.20.10. Special signage types
Sec. 4.19.20.11. Off-site / Off-premise signs
Sec. 4.19.20.12. Nonconforming signs
Sec. 4.19.20.13. Illustration of sign types

**Sec. 4.19 – Zoning Regs. Pt. IV – Supplemental. ART 4 Supp - 63 to 76**

Sec. 4.19.21. Distance buffer area separation requirements
Sec. 4.19.22. Travel trailer parks and campgrounds
Sec. 4.19.23. Use of land in a residential district for access
Sec. 4.19.24. Visibility at intersections and curb breaks
Sec. 4.19.25. Waterfront yards; minimum requirement
Sec. 4.19.26. Yard encroachments
Sec. 4.19.27. Special right-of-way requirements
Sec. 4.19.28. Special Community Residential Home Requirements
Sec. 4.19.29. Special home occupation requirements
Sec. 4.19.30. Special septic tank requirements
Sec. 4.19.31. Special requirements for public uses
Sec. 4.19.32. Airport obstruction
Sec. 4.19.33. Airport land use restrictions
Sec. 4.19.34. Conflicting regulations

Sec. 4.19.35. Bed and breakfast inn requirements
Sec. 4.19.36. Hospital, Long-Term Care Facility, Group Living Facility, Adult Day Care Center and Retirement or Senior Housing Facility Requirements

**ARTICLE 5 Subdivision Regulations. ART 5 - 1 to 26**

Sec. 5.1 Appendices
Sec. 5.2 Policy
Sec. 5.3 Purpose
Sec. 5.4 Conditions
Sec. 5.5 Character of the land
Sec. 5.6 Jurisdiction
Sec. 5.7 Maintenance
Sec. 5.8 Plats straddling local government boundaries
Sec. 5.9 Re-subdivision of land
Sec. 5.10 Self-imposed restrictions
Sec. 5.11 Subdivision by metes and bounds
Sec. 5.12 Subdivision name
Sec. 5.13 Vacation and annulment of plats
Sec. 5.14 General procedure
Sec. 5.15 Pre-application conference
Sec. 5.16 Preliminary plat procedure
Sec. 5.17 Construction plans procedure
Sec. 5.18 Final plat procedure
Sec. 5.19 General improvements
Sec. 5.20 Maintenance and repair of required improvements
Sec. 5.21 Subdivisions located outside the corporate limits of the municipality but connected to municipal utilities
Sec. 5.22 Monuments
Sec. 5.23 Lot improvements
Sec. 5.24 Use of subdivided lots
Sec. 5.25 Public purpose sites
Sec. 5.26 Streets
Sec. 5.27 Stormwater management and flood protection area requirements
Sec. 5.28 Sanitary sewer
Sec. 5.29 Water supply
Sec. 5.30 Water and sanitary sewer systems
Sec. 5.31 Utilities
Sec. 5.32 Preliminary plat specifications
Sec. 5.33 Required information on preliminary plat
Sec. 5.34 Title certification and real estate taxes
Sec. 5.35 Certification of the surveyor
Sec. 5.36 Construction plan specifications
Sec. 5.37 Subdivider’s agreement
Sec. 5.38 Final plat specifications
Sec. 5.39 Required information on final plat
Sec. 5.40 Signed certificates
Sec. 5.41 Bonding in lieu of completed improvements
Sec. 5.42 Other documents required with the final plat

**ARTICLE 6** **Prime Natural Groundwater Aquifer Recharge, and Potable Water Well-field.** **ART 6 - 1 to 6**

Sec. 6.1. Prime natural groundwater aquifer recharge protection
Sec. 6.2. Potable water well-field protection area

**ARTICLE 7** **Stormwater Management Regulations.** **ART 7 - 1 to 6**

Sec. 7.1. Relationship to other stormwater management requirements
Sec. 7.2. Exemptions
Sec. 7.3. Stormwater management requirements
Sec. 7.4. Dedication or maintenance of stormwater management systems

**ARTICLE 8** **Flood Damage Prevention Regulations.** **ART 8 - 1 to 8**

Sec. 8.1. Standards for reducing flood hazards in the area of special flood hazard
Sec. 8.2. Standards for residential construction
Sec. 8.3. Standards for nonresidential construction
Sec. 8.4. Standards for elevated buildings
Sec. 8.5. Standards for floodways
Sec. 8.6. Standards for streams without established base flood elevations and/or floodways
Sec. 8.7. Standards for unnumbered A zones
Sec. 8.8. Standards for areas of shallow flooding
Sec. 8.9. Required floor elevation
Sec. 8.10. Exemptions from the general standards of this article
Sec. 8.11. Manufactured home criteria
Sec. 8.12. Stabilization of slopes
Sec. 8.13. Special provisions for subdivisions
Sec. 8.14. Water supply and sanitary sewer systems in floodways and floodplains
Sec. 8.15. Additional duties of the land development regulation administrator related to flood insurance and flood control
Sec. 8.16. Location of boundaries of floodplain and floodway districts

**ARTICLE 9** **Housing Regulations and Code.** **ART 9 - 1 to 10**

Sec. 9.1. Findings of fact and declaration of necessity
Sec. 9.2. Applicability; violation
Sec. 9.3 Maintenance
Sec. 9.4 Housing Standards

**ARTICLE 10** **Hazardous Buildings Regulations.** **ART 10 - 1 to 6**

Sec. 10.1. Article remedial
Sec. 10.2. Scope
Sec. 10.3. Organization
Sec. 10.4. Powers and duties of the land development regulation administrator

Sec. 10.5. Appeals to the board of adjustment
Sec. 10.6. Inspections
Sec. 10.7. Notice
Sec. 10.8. Standards for compliance
Sec. 10.9. Compliance
Sec. 10.10. Extension of time
Sec. 10.11. Interference
Sec. 10.12. Performance of work

**ARTICLE 11 RESERVED. ART 11 - 1 to 2**

**ARTICLE 12 RESERVED. ART 12 - 1 to 2**

**ARTICLE 13 RESERVED. ART 13 - 1 to 2**

**ARTICLE 14 Permitting and Concurrency Management. ART 14 - 1 to 30**

Sec. 14.1. General
Sec. 14.2. Land Development Regulation action on building permits
Sec. 14.3. Application for building permit
Sec. 14.4. Certificate of Land Development Regulation compliance
Sec. 14.5. Assurance of completion of public improvements
Sec. 14.6. Reserved
Sec. 14.7. Reserved
Sec. 14.8. Special move-on permits for manufactured homes
Sec. 14.9. Reserved
Sec. 14.10. Special use permits for temporary uses
Sec. 14.11. Special permits for essential services
Sec. 14.12. Reserved
Sec. 14.13. Consistency with the City's comprehensive plan
Sec. 14.14. Level of service standards
Sec. 14.15. Authorization to adopt Development agreements pursuant to Ch. 163, F.S
Sec. 14.16. Proportionate fair-share transportation program

**ARTICLE 15 Enforcement and Review. ART 15 - 1 to 2**

Sec. 15.1. Complaints regarding violations
Sec. 15.2. Persons liable
Sec. 15.3. Procedures upon discovery of violations
Sec. 15.4. Penalties and remedies for violations

**ARTICLE 16 RESERVED. ART 16 - 1 to 2**

**APPENDIX A** **A-1 to A-22**

Street Cross Section and Curb Standards
Cul-De-Sac Detail
Intersection Design Standards
Intersection Design Standards
Utility Location
Certificate of Surveyor
Certificate of the Subdivider's Engineer
Certificate of Approval by County Health Department
Certificate of Approval by the Attorney for the City of Live Oak, Florida
Certificate of Approval by City Council of the City of Live Oak, Florida
Certificate of Estimated Cost
Preliminary and Final Plat Size Specifications
Size of Sheet for Record Plat
Maintenance Bond

| Ordinance No. | Date Adopted | Section(s) Amended | Section Title |
|---|---|---|---|
| 817 | 8/11/1992 | New LDR | Repealed and replaced all previous LDRs |
| 847 | 6/14/1994 | 14.10<br>3.1.4.5<br>3.1.4.6 | Special Permits for Temporary Uses<br>Deleted<br>Renumbered to 3.1.4.5 |
| 850 | 8/9/1994 | Article 11<br>14.10 | Historic Sites and Structures Preservation Regulations<br>Special Permits for Temporary Uses |
| 870 | 2/13/1996 | 13.4 | Notice of Hearing of LDRs |
| 907 | 1/13/1998 | 4.12.5<br>4.14.5 | Special Exceptions C-G – Car Washes<br>Special Exceptions C-CBD – Auto Leasing & Rentals |
| 937 | 4/11/2000 | Article 8 | Flood Damage Prevention Regulations |
| 944 | 10/10/2000 | 4.4.4<br>4.5.4<br>4.6.4<br>4.7.4<br>4.8.4 | Prohibited Uses and Structures RSF<br>Prohibited Uses and Structures RSF/MH<br>Prohibited Uses and Structures RMH<br>Prohibited Uses and Structures RMH-P<br>Prohibited Uses and Structures RMF |
| 968 | 7/10/2001 | 2.1<br>14.11 | Definitions 'General' to add 'Tower', 'Tower Site';<br>Essential Services - Telecommunications Towers location criteria |
| 969 | 7/10/2001 | 5.26.2<br>5.26.4 | Street Improvement Schedule<br>Design Standards |
| **1003** | **Not Adopted** | **5.26.3.14** | **Concrete Sidewalks** |
| 1013 | 3/11/2003 | 4.16.2<br>4.16.11 | Permitted Principal Uses and Structures ILW<br>Minimum Off-Street Parking Requirements ILW |
| 1044 | 4/13/2004 | 4.15.5<br>4.15.11 | Special Exceptions CSC<br>Minimum Off-Street Parking Requirements CSC |
| 1063 | 9/14/2004 | 4.13.2 | Permitted Principal Uses and Structures C-I |
| 1069 | 11/9/2004 | 4.15.2<br>4.15.4<br>4.15.5<br>4.15.11 | Permitted Principal Uses and Structures CSC<br>Prohibited Uses CSC<br>Special Exceptions CSC<br>Min Off-Street Parking CSC |
| 1077 | 3/29/2005 | 14.15 | Authorization to Adopt Development Agreements |
| 1094 | 9/13/2005 | 5.26 | Streets |
| 1124 | 5/9/2006 | 14.11.2(g) | Design and Construction of Essential Services |
| 1125 | 5/9/2006 | 14.12.8<br>14.13.8<br>14.14.8<br>14.15.8 | Max Height of Structures C-G<br>Max Height of Structures C-I<br>Max Height of Structures C-CBD<br>Max Height of Structures CSC |
| 1128 | 8/8/2006 | 4.18.1 | PRD Districts Intent and Relation to the Comp Plan |
| 1129 | 8/8/2006 | 5.26.3 | Streets - Standard Improvement |
| 1130 | 8/8/2006 | 4.4.5 | RSF - Special Exceptions (Guest House / Cottage) |
| 1143 | 12/12/2006 | 14.16 | Proportionate Fair-Share Transportation Program |
| 1156 | 2/13/2007 | 4.3.5<br>4.4.5<br>4.5.5<br>4.8.5<br>4.9.5<br>4.19.35 | B&B as Special Exception in (A-1),<br>(RSF-1,2,3),<br>(RSF/MH-1,2,3),<br>(RMF-1,2),<br>(R-O);<br>Bed and Breakfast Inn Requirements |
| **1187** | **Not Adopted** | **14.10.1(9)** | **Special Permits for Temporary Uses in CSC, C-G, C-CBD** |
| 1207 | 11/13/2007 | 4.11.4<br>4.12.4<br>4.13.4<br>4.14.4<br>4.15.4 | Prohibited Uses and Structures C-N,<br>C-G,<br>C-I,<br>C-CBD,<br>CSC |
| 1219 | 3/11/2008 | 4.3.6 | Ag. A-1 - Minimum Lot Requirements |
| 1247 | 3/10/2009 | 2.1 | Definitions – Sign Related |

| | | | |
|---|---|---|---|
| | | 4.19.20 | New (replacement) Sign Regulations |
| 1252 | 4/14/2009 | 4.11 | Commercial – Neighborhood C-N |
| 1253 | 4/14/2009 | 4.1.1<br>4.1.6<br>4.4.(1-11) | Establishment of Districts<br>Groupings of Districts<br>Res. Unconventional and Residential Infill - RSFU & RSFI |
| 1254 | 4/14/2009 | Article 6 | Prime Natural Groundwater Aquifer Recharge and Potable Water Well-Field Regulations |
| 1262 | 7/28/2009 | 2.1<br>4.19.20.3<br>4.19.20.5<br>4.19.20.6 | Definitions<br>Applicability of other code or regulatory requirements<br>Permit Requirements for Signs<br>General Regulations |
| 1268 | 11/10/2009 | 2.1; 4.3.5; 4.8.5; 4.9.5; 4.10.5; 4.11.5; 4.12.5; 4.13.5; 4.19.28; 4.19.36 | Definitions, Special Exceptions A-1, Special Exceptions RMF, Special Exceptions R-O, Special Exceptions O, Special Exceptions C-N, Special Exceptions C-G, Special Exceptions C-I, Special Community Residential Home Requirements, Hospital, Long-Term Care Facility, Group Living Facility, etc. |
| 1277 | 6/15/2010 | Article 1<br>Article 2<br>Article 3<br>Articles: 11, 12, 13, 14 (portion), & 16<br>4.19.20.8(14) & (A) | General Provisions.<br>Definitions, Lots Divided by District Lines, Nonconforming.<br>Administrative Mechanisms and Procedures.<br>(Combined into Article 3).<br>(Combined into Article 3).<br>Signs Not Requiring a Sign Permit (Exempt Signs). |
| 1335 | 5/14/2013 | 4.19.20 | New (replacement) Sign Regulations. |
| 1342 | 8/13/2013 | 1.2; 1.5; 1.7; 2.1; 2.2; 2.3; 2.4; 3.2; 3.3; 3.4; 3.5; 3.7; 3.8; 3.9; 3.10; 3.12; 3.13; 3.14; 4.1; 4.1.2 – 4.1.7 | Portions of Article 1, 2, 3 & 4. |
| 1360 | 6/10/2014 | 2.1; 4.12; 4.13; 4.19 | Portions of Article 2, 4 and 4.19. |
| 1363 | 6/24/2014 | 2.1; 4.1.6.4; 4.4.5; 4.4.11 | Portions of Article 2 and 4. |
| 1374 | 1/13/2015 | 2.1; 3.7; 4.19.2; 4.19.3; 4.19.7; 4.19.11; 4.19.12; 4.19.13; 4.19.15; 4.19.26; 4.19.30; 4.19.31; Article 9; 14.10 | Definitions, Special impact permits, Accessibility for the physically disabled or handicapped, Access control, Erection of more than one principal structure, Landscaped buffer areas, Minimum living area, Mobile home - replacement of existing mobile homes, Off-street parking and loading, Yard encroachments, Special septic tank requirements, Special requirements for public uses, Minimum housing regulations, and Special permits for temporary uses. |
| 1383 | 11/10/2015 | 2.1; 3.7; 3.9; 3.12; 4.1.6.1; 4.2; 4.3; 4.6; 4.7; 4.11; 4.12; 4.13; 4.14; 4.15; 4.16; 4.17; 4.19.21; 4.19.22; 4.19.28; 4.19.36 | Definitions, Special impact permits, Special exceptions, Site and development plan review, Nonconforming lots of record, Zoning districts: CSV, A, RMH, RMH-P, C-N, C-G, C-I, C-CBD/C-D, CSC, ILW, I, Distance buffer area separation requirements, Travel trailer parks and campgrounds, and Special community residential home requirements. |
| 1388 | 5/10/2016 | 2.1; 4.3; 4.4; 4.5; 4.7; 4.8; 4.9; 4.10; 4.11; 4.12; 4.13; 4.14; 4.15; 4.16; 4.18; 4.19.12; 4.19.22; 9.4 | Definitions, Zoning districts: A, RSF, RSF/MH, RMH-P, RMF, R-O, O-I, C-N, C-G, C-I, C-D, CSC, ILW, I, PRD, CRA development standards, Travel trailer parks and campgrounds, and Housing regulations and code. |
| 1389 | 6/14/2016 | 2.1; 4.3; 4.4; 4.5; 4.7; 4.8; 4.9; 4.10; 4.11; 4.12; 4.13; 4.14; 4.15; 4.16; 4.18; 4.19.12; 4.19.22; 9.4; 14.10 | Definitions, Zoning districts: A, RSF, RSF/MH, RMH-P, RMF, R-O, O-I, C-N, C-G, C-I, C-D, CSC, ILW, I, PRD, CRA development standards, Travel trailer parks and campgrounds, Housing regulations and code, and Special use permits for temporary uses. |
| 1419 | 6/12/2018 | 1.3; 1.7; 3.1 | Jurisdiction, Pro-Business and Growth Declaration, Administrative Bodies. |
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# ARTICLE ONE: GENERAL PROVISIONS

Sec. 1.1. Short title
Sec. 1.2. Authority
Sec. 1.3. Jurisdiction
Sec. 1.4. Relationship to existing land development ordinances
Sec. 1.5. Relationship to the Comprehensive Plan
Sec. 1.6. Conformity with land development regulation provisions
Sec. 1.7. Pro-Business and Growth Declaration
Sec. 1.8. Fees
Sec. 1.9. Severability
Sec. 1.10. Computation of time
Sec. 1.11. Repeal of conflicting ordinances

## Sec. 1.1. Short Title.

The rules and regulations hereby adopted shall be known and cited as the "Land Development Regulations for the City of Live Oak, Florida", and abbreviated as “LDR”.

## Sec. 1.2. Authority.

These Land Development Regulations are adopted and amended pursuant to the authority contained in F.S. Ch. 163, Part II, Growth Policy; County and Municipal Planning; Land Development Regulation, and F.A.C. Department 73: Department of Economic Opportunity, Div. No. 73C, Division of Community Development, as amended. Where a provision of these Land Development Regulations refers to or cites a section of Florida Statutes or Florida Administrative Code and that section is later amended or superseded, these Land Development Regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## Sec. 1.3. Jurisdiction.

These land development regulations shall apply to the entire incorporated area of the city; and all lands annexed into the City of Live Oak, when pursuant to Florida Statute 171.062, the municipality has adopted a comprehensive plan map amendment that includes the annexed area. Upon written request and notarized authorization of any property owner of previously annexed lands, the City may initiate and undertake an application to amend the Official Zoning Atlas for a like-kind re-zoning map amendment consistent with the comprehensive plan map amendment which was adopted. While this re-zoning process is taking place, development plans may be submitted for initial review, pending the final adoption of the amendment to bring the zoning into compliance with these LDR.

## Sec. 1.4. Relationship to Existing Land Development Ordinances.

To the extent that the provisions of these land development regulations are the same in substance as any previously adopted provisions that they replace, change title to or otherwise reorganize, in the various ordinances of the city, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, any situation previously identified as legally nonconforming, and/or that which did not constitute a lawful, nonconforming situation, under the previously adopted land development regulations, shall continue to be legally nonconforming, and/or

shall not achieve lawful nonconforming status as the case may be, under these regulations, merely by the repeal or amendment of the previous land development regulation ordinances.

## Sec. 1.5. Relationship to the Comprehensive Plan.

In order to accomplish the goals, objectives and policies listed within the City's Comprehensive Plan, these Land Development Regulations and accompanying Official Zoning Atlas are guided by, based on, related to, and a means of, implementation for the Comprehensive Plan, as required by the “Community Planning Act” (F.S. Ch. 163, Part II, as amended). All regulations, districts, and the accompanying Official Zoning Atlas are consistent with the Comprehensive Plan, and any amendments thereto shall be consistent with the Comprehensive Plan. The phrase "consistent with the Comprehensive Plan" means in a manner which the Land Development Regulations are compatible with and further the Comprehensive Plan. The term "compatible with" means that the Land Development Regulations are not in conflict with the Comprehensive Plan; and the term "furthers" means to take action to further the objectives, goals and policies of the Comprehensive Plan.

## Sec. 1.6. Conformity with Land Development Regulation Provisions.

1.6.1. Subject to any section of these land development regulations pertaining to nonconforming situations, no person may use, occupy, develop or redevelop any such land or buildings, or authorize or permit the use, occupancy, development or redevelopment of any such land or buildings under his or her control, except in accordance with the applicable provisions of these land development regulations.

1.6.2. For the purposes of these LDR articles, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that land or building.

## Sec. 1.7. Pro-Business and Growth Declaration

Effective the date an ordinance is adopted to create this sub-section, The Live Oak Planning and Zoning Board serving as the Local Planning Agency, and the Live Oak City Council, does hereby find that there is a justification and need to evaluate and update various sections of these Land Development Regulations in order to promote and facilitate viable economic development, growth and business activity in the City.

As such and until such time as updates to these regulations and related documents can be completed and adopted: the Land Development Regulation Administrator, collectively and on a case-by-case basis, when in agreement with the City Manager and City Building Official, and not otherwise in conflict with state statute, in the carrying out of his or her duties, may utilize best planning practices and creative planning solutions.

The goal being to provide flexibility with unconventional application and 12, 24 and 36 month multi-year phasing development agreement allowances and possibilities for underutilized and nonconforming sites, so that commercial business establishment, expansion and redevelopment can commence with as minimal delay and start-up expense as possible. Where not in conflict with adopted housing standards, similar practices may be utilized for residential development. Additionally, certain non-life-safety enforcement actions may be abated while code and map revisions and updates are in process, to address certain related criteria.

## Sec. 1.8. Fees.

1.8.1. It is the intent of the City that the City shall not be required to bear any or all development related costs, including the cost of advertising, petitions, appeals or applications, made by or to benefit or accommodate private entities or for private gain, under the Comprehensive Plan or Land Development Regulations. And that funding to comply with any required element of the Comprehensive Plan and/or LDR, including concurrency standards for new development, be funded from a financially feasible funding source, namely at the expense of the applicant, developer or sub-divider. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for: Zoning Permits; Sign Permits; Special Use and/or Special Impact Permits; Special Exceptions; Variances; Appeals and Interpretations; Subdivision Plat Review and Approvals; Comprehensive Plan, Future Land Use Plan Map, Land Development Regulation and/or Official Zoning Atlas Map Amendments; Site and Development Plan Review and Approval; and other administrative procedural relief to include meeting concurrency standards, as outlined herein or on the applicable fee resolution. The amount of all fees charged shall be as established by resolution of the City Council and filed in the office of the City Clerk.

1.8.2. Fees established in accordance with Section 1.8.1 shall be paid upon submission of required documents, a signed application, a notice of appeal, and as otherwise required in the LDR, or as may be applicable in the City of Live Oak Planning and Zoning – Official Fee Schedule, adopted and amended by City Council resolution.

## Sec. 1.9. Severability.

In the event a court of competent jurisdiction holds a section or provision of these land development regulations to be unconstitutional or invalid, the same shall not affect the validity of these land development regulations, as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

## Sec. 1.10. Computation of Time.

1.10.1. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded.

1.10.2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her, and the notice or paper is served by mail, three days shall be added to the prescribed period.

## Sec. 1.11. Repeal of Conflicting Ordinances.

All ordinances and regulations or parts of ordinances and regulations in conflict with these land development regulations, or inconsistent with the provisions of these land development regulations, are hereby repealed to the extent necessary to give these land development regulations, as amended and/or adopted, full force and effect.

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# ARTICLE TWO: DEFINITIONS

## Sec. 2.1. Definitions.

(a) Rules of Interpretation.

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular; words used in the masculine gender include the feminine and are intended to be gender-neutral; words not capitalized are as official as their capitalized equals.
3. The word "shall" is always mandatory; the word "may" is permissive.
4. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".
5. The word "lot" includes the words "plot", "parcel", "tract", or "site".
6. The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. Among other things, structures include walls, buildings, fences, signs, covered or raised decks, accessory or storage sheds, and swimming pools.
7. The word "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "moved", or "placed".
8. The word "land" includes the words "water", "marsh", or "swamp".
9. The word "abut" does not include lands which are located directly across a public street from each other.
10. The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
11. The word or term "LDR" and "Regulations" shall mean the City of Live Oak Land Development Regulations, as amended and adopted; and "contained herein" or "herein" shall mean as found in a related Section within these Land Development Regulations.
12. The words "City Council" means the City Council of the City of Live Oak, Florida, and the term "board" means the respective elected or appointed body which is the subject of the section within which it is found.
13. The word "city" or "City" means the incorporated City of Live Oak, Florida.
14. The word "application" and the word "petition" are interchangeable and represent official forms of the city to include required documents as stated on the forms.
15. Unless indicated otherwise, reference to zoning districts refer to the most recent amended version of the "Official Zoning Atlas Map of the City of Live Oak, Florida", as defined herein, and the applicable zoning criteria as found herein.
16. The term "comprehensive plan" and/or "plan" means the Comprehensive Plan of the City of Live Oak, Florida, as amended and adopted, including all text, maps and data.

(b) Rules of Precedence.

The following rules set forth the order of precedence that determines which definition applies in a specific instance within the provisions of the LDR:

1. When definitions are provided within an individual Chapter, Article, or Section of the LDR, those definitions are to be applied within said Chapter, Article, or Section; and if not defined elsewhere, may be applied to other sections when deemed appropriate by the Land

Development Regulation Administrator. If the same term or phrase is also defined in this Section, the definition in subsection (d) of this Section shall not apply in that instance, except to supplement the definition with additional related information.

2. When no definitions are provided within an individual Chapter, Article, or Section of the LDR, words and phrases used in the LDR shall have the meaning established by the definitions provided in subsection (d) of this Section, supplemented by, or where in conflict, replaced by, definitions found in the Florida Statutes and Florida Building Code.
3. For words and phrases listed in the Table of Uses with NAICS (North American Industry Classification) code and not defined in subsection (d) of this Section, the NAICS definition shall be the legal definition. Said NAICS definitions, as amended, are hereby incorporated by this reference to the extent utilized in the LDR.
4. All remaining words used in the LDR are intended to have the commonly accepted definitions contained in the Webster's New World College Dictionary, Fifth Edition.

(c) Rules of Application.

It shall be the duty of the Land Development Regulation Administrator to utilize any and all applicable definitions in the carrying out of his or her duties, and in the implementation of the standards and codes, whether in the plan review stage, or in the actual built or existing environment.

When a standard, code, chart, diagram or illustration contains reference to a specific term for which a specific definition and associated criteria has been established, any deviation from the activity, details, design, etc. specified shall result in the instance being found to be a violation of the LDR, and subject to enforcement as provided, unless otherwise determined to be allowable under existing nonconforming provisions. Definitions with sub-uses stated herein may also be sub-categorized within use tables, to specify which use under a term applies.

Any modifications, alterations or changes of uses, or re-establishment of uses, which would cause any aspect of a location or improvements thereon to be defined as something different or more intense than what was previously there, or any loss of the ability to continue a nonconforming use, shall require those modifications, alterations or uses to be first found in compliance with all aspects of the Land Development Regulations, or if found to be contrary and not permitted, shall require compliance with standards or enforcement for compliance as provided.

Definitions are intended to clarify and supplement the administration of the Land Development Regulations. Where a definition contains specific criteria - that shall be as applicable to the implementation and enforcement of the code, just as if listed elsewhere. Where there is specific criteria listed elsewhere in the LDR Articles, the absence of a reference to any related section within any definition, shall not cause that other criteria to be superseded or otherwise made non-applicable.

(d) Definitions.

**A**

Abandoned motor vehicle. One that is in a state of disrepair and incapable of being moved under its own power and/or one which does not have a current vehicle registration certificate and/or current tag.

Abutting and/or adjacent property. Property that is immediately contiguous to the property being considered under these LDR is abutting. Adjacent property may be abutting, across a right-of-way, or close enough to be directly impacted by a use or proposed use on the property being considered under these LDR, meaning the distance for adjacency varies with the degree of impact.

Any property which is separated from an adjacent property by: a platted alley, an unimproved platted street ROW, or by an improved Local Street ROW, shall still be considered abutting to that property for the purposes of these LDR.

Access. The primary means of ingress and egress to abutting property from a dedicated right-of-way.

Accessory use or structure. A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, is located on the same premises. "On the same premises" with respect to accessory uses and structures shall mean on the same lot or on a contiguous lot in the same ownership, serving the exact same use, and located in the same zoning district as the principal use. Where a building or structure is attached to the principal building, it is considered a part thereof and not an accessory building. Ownership means the individual has the full ability to mortgage, sell or otherwise act on the property without restriction.

Addition. An extension or increase in use, floor area or height of a building or structure.

Administrator. (see Land Development Regulation Administrator).

Adult day care center. A non-residential facility that provides a variety of health, social and related support services in a protective setting during part of the day, to three or more aged, infirm or disabled adults who reside elsewhere.

Adverse effect. Increases in flood elevations on adjacent properties, attributed to physical changes in the characteristics of the official 100-year flood area, due to development.

Advertise. To inform; to notify; to announce; or to attract public attention, in order to arouse desire to attend, purchase, receive services or invest.

Advertising device. Any structure or device situated upon, attached or maintained to, on, or over real property, which is erected or intended for the purpose of advertising.

Air and gas-filled device. Any sign, using either wholly or in part, forced, compressed or contained air or other gas, as a means for supporting or bolstering its structure.

Alley or service drive. A public right-of-way or private driveway which affords a secondary means of access to property abutting thereon.

Alteration. Any change, addition or modification in construction, size, shape, character, use or type of occupancy to a building or structure; any change in the structural members of a building, such as load

bearing: walls, partitions, columns, beams, girders, joists, trusses, doors, windows; changes to the means of ingress or egress; or any enlargement to, conversion of, or diminution of a building or structure, whether horizontally or vertically, or the moving of a building from one location to another.

Alter or alteration of a storm-water management system. Work done which alters said system, other than that necessary to maintain the system's original design and function.

Aquifer or aquifer system. A geologic formation, group of formations, or part thereof that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Area of shallow flooding. A designated AO zone on the city'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. Land so designated on the city's flood hazard boundary map or the flood insurance rate map.

Arterial streets. State maintained DOT streets (roads) which conduct large volumes of traffic over long distances and are functionally classified as such on the applicable Federal Highway Administration (FHWA) federal functional classification designations, Florida Department of Transportation Current Highway Functional Classification and Systems map for the city, as amended, and identified as such in the city's comprehensive plan map series.

Attention getting device. Any pennant, valance, propeller, spinner, ribbon, streamer, search light, balloon, or similar display, device or ornamentation designed for or having the effect of attracting the attention of potential customers or the general public.

Automobile wrecking or automobile wrecking yard. Refers to the dismantling or disassembling of used motor vehicles or trailers, or to the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles for recycling or for their parts.

Automotive car wash, automated. A commercial service use located and licensed at a physical storefront property which contains one or more tunnel unit structures which provide for the washing of one or more occupied and running vehicles, in a tandem arrangement, while moving through the structure; may also include vacuuming and air compressor tire inflation equipment.

Automotive car wash, mobile. A licensed commercial service accessory use activity conducted that involves the washing, by any means, of automobiles, trucks, motorcycles, recreational vehicles, or any other vehicle, and which activity is self-contained and moved from one location to another, such as to serve customers at their residences or other allowable locations as permitted under Article 4. Mobile automotive car washing shall not include setting up at any residential location in order to conduct related activities for owners or operators of vehicles who do not have residency at said location.

Automotive car wash, hand. A principal commercial service use located and licensed at a physical storefront property which contains an area for the washing, waxing, vacuuming and detailing of passenger vehicles by hand; may also include a vehicle window tinting or graphics application service, and air compressor tire inflation equipment. Hand washing as a secondary use in conjunction with vehicle sales or rental lots shall be considered an accessory use to the principal use at those establishments.

Automotive car wash, self-service. A commercial service use located and licensed at a physical storefront property which contains an un-manned area or structure for the self-service washing and vacuuming of passenger vehicles; may also include air compressor tire inflation equipment.

Automotive fuel station. An establishment whose business provides for the dispensing of motor fuel primarily for automobiles where motor fuel pumps are erected, and underground storage tanks are installed, unless approved for above ground storage, for dispensing motor fuel at retail or to governmental entities.

Other consumer related items may be sold only at retail, IE a convenience store with fuel pumps. Retail sales of LP Gas as a secondary use shall be considered an accessory use to the principal use at these establishments.

Where such motor fuel pumps are erected as a principal use, or in conjunction with any other use, each use is considered as a separate use and, as such, each shall meet the applicable requirements of these LDR. A compressed natural gas fueling station or facility shall also be considered an automotive fuel station.

Unless otherwise provided, any wholesale, distribution or private fuel or flammable liquids or gasses storage and/or dispensing stations proposed with above or below ground tanks, shall be deemed to be bulk storage yards.

Automotive repair garage. A service related establishment, not considered a fuel station, whose principal or when permitted, accessory business includes automobile servicing, repair, restoration, customization, glass, paint and body work, steam cleaning, tire repair and replacement, temporary storage of automobiles not in operating condition (within enclosed buildings or when approved, in outdoor storage yards), or other work, including but not limited to, those producing noise, glare, fumes, smoke, etc.

Also includes a service or oil changing bay, a body shop, stereo and accessory installation shop, commercial vehicle truck stop, or a combination thereof.

Such garages may also be proposed in conjunction with establishments hiring, renting, or selling of motor vehicles. Said establishments may also propose a fuel station or retail component. Retail sales of LP Gas as a secondary use shall be considered an accessory use to the principle use at these establishments. Automobile repair and restoration of lot inventory, not including paint and body work, may be proposed as an accessory use in conjunction with vehicle sales or rental lots, in those districts which do not allow an automotive repair garage as a primary use.

Automotive servicing, light. A service related establishment, not considered a fuel station or repair garage. To meet this definition, said establishment shall conduct all automotive servicing within a completely enclosed building. Said servicing activities shall be limited to: auto glass repair or replacement, tire and rim repair or replacement – including rotation and balancing, oil changing bays, stereo and accessory installation shop, A/C system inspection and recharge, air filter inspection and replacement, battery maintenance and replacement, brake fluid, pad/shoe and rotor system inspection and replacement, coolant/antifreeze flush and fill, differential and transmission fluid removal and replacement, engine code diagnostic services, fuel system/filter cleaning and replacement, emissions and inspection services, wiper blade and washer fluid, power steering fluid replacement, alignment services, shocks and struts. Unless otherwise provided for, all sales, service, storage and display shall be within a completely enclosed building.

Awning. A sheltering screen, usually of canvas fabric or some other lightweight flexible material, supported and stiffened by a rigid frame, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protection against sunlight, or the weather.

**B**

Banner. A sign of lightweight fabric, plastic or similar material, generally mounted at two or more edges to a wall, poles or other structure. Flags and pennants shall not be considered banners.

Bar. A bar, also called a: pub, tavern, saloon, beer garden, taproom, lounge, [social club] is any public or private establishment, or designated area within a related use, devoted primarily to the retail sale, service and on-premises drinking of malt, vinous, or other alcoholic beverages, and which is licensed by the State of Florida to dispense or sell and allow consumption on premises, of alcoholic beverages. Bars provide stools or chairs for their patrons along tables or raised counters. Some bars also have an entertainment stage, a floor show or a dance floor area. Bottle clubs as defined by Florida Statute, reception halls and other establishments which provide a building or space, public or private, for on-premise consumption are not defined as a bar.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Basement. That portion of a building between floor and ceiling which is partly below grade and so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling; provided, however, that the distance from the grade to the ceiling is at least four feet six inches (see also Cellar).

Beacon light. See Search Light.

Bicycle and pedestrian ways. Any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

Block. Includes tier or group, and means a group of lots existing with 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, generally as shown on a plat.

Board of Adjustment. The currently appointed board of adjustment of the city, as provided for within these LDR.

Breakaway wall. A wall that is not part of the structural support of the building, and is intended, through its design and construction, to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or to the supporting foundation system.

Buffer, transitional. Includes the term “buffer”, “buffering”, “buffer area” and “land buffer”, and is that portion of a lot set aside for open space, landscaping, fencing and other visual screening purposes, pursuant to applicable provisions herein, to separate different use districts, or to separate uses on one property which differ from uses on another abutting property, which said uses are deemed to require screening in order to be compatible.

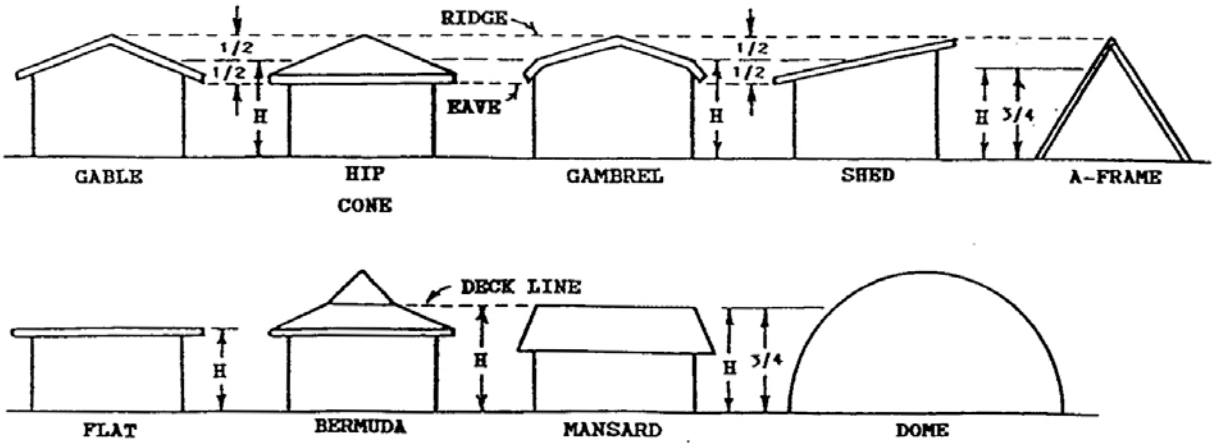
Buildable area. That portion of a lot remaining after the required minimum or maximum yards and/or buffer space have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percent of lot which may be covered by buildings may require open space to be left within the buildable area.

Building. A permanent, pre-fabricated or portable structure, which required a permit to construct or establish, and/or which otherwise has been reviewed and approved in writing by applicable City Departments, having a roof impervious to weather and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition may include dining cars, mobile/manufactured homes, sheds, garages, carports, covered porches or covered screened enclosures, animal kennels, or storerooms, so long as permitted as required, and/or otherwise reviewed and approved in writing by applicable City Departments.

Temporary or movable structures, such as tents, trailers, refrigerated storage units, pods, and similar structures, when allowed by zoning, may require permits or review, however shall not be considered a building for the purposes of the LDR.

Building front yard setback line. The rear edge of a required minimum or maximum front yard as specified within these LDR.

Building, height of. The vertical distance measured from the established grade at the center of a front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to three-quarters of the highest point of a dome or A-frame roof and to the mean height level between eaves and ridge of gable, hip, cone, shed and gambrel roofs.




H=HEIGHT OF BUILDING FOR LAND DEVELOPMENT REGULATION PURPOSES

Building line. The inward edge of a required minimum or maximum front yard or other required yard setback line. Except as specifically provided by these LDR, buildings or structures are not to be erected or extended to occupy a portion of a lot beyond the building line and into a required yard area.

Building, Non-residential Modular. A manufactured building, which otherwise meets the definition of "dwelling, modular single-family", however which insignia and data plate certifies that it was originally designed and constructed by the manufacturer for non-residential occupancy, rated and certified exclusively by the manufacturer/factory, for the intended use and occupancy. To be included in this definition, when specified as a listed use in various associated zoning districts for non-residential occupancy purposes, said building shall be affixed and installed to a permanent foundation (e.g., engineered and poured: slab or stem-walls and piers with footers).

Building official. The official designated by the city council for the administration of the Florida Building Codes, including permit issuance, inspection and issuance of certificate of occupancy, subject to prior review and approval of said proposed or actual improvements or uses, by all applicable city department heads, and the Land Development Regulation Administrator.

**C**

Campground. See Recreational vehicle parks and campgrounds.

Canopy. A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike an awning, a canopy is rigid and is generally supported by vertical elements rising from the ground at two or more corners.

Capital budget. The portion of the city's annual budget which reflects capital improvements scheduled for a fiscal year. The city may have a capital improvements program which is not related to required scheduling for capital improvements, part of existing or projected deficiencies for concurrency standards.

Capital improvements. Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of these LDR, physical assets which have been identified as having existing or projected needs in the individual comprehensive plan elements, are considered capital improvements part of the Capital Improvement Element for meeting concurrency standards.

Cellar. That portion of a building, the ceiling of which is entirely below grade or less than four feet, six inches above grade (see also Basement).

Certificate of LDR compliance. Also known as a Certificate of Zoning Compliance, is an official document issued by the Land Development Regulation Administrator stating that a current, changed or proposed: occupancy, use, building, business or development, currently or as proposed, meets all aspects and requirements of the LDR, including the Official Zoning Atlas.

Said certificate is also to be utilized, in conjunction with other applicable city department review and approval, to approve any: Business Tax Receipt, Building Permit and/or a Certificate of Occupancy to be issued by the applicable city official.

If discovered otherwise, any occupancy, use, building, business or development which is deemed in violation, shall be issued a certificate, once compliance has been met.

Child care facility. Per Florida Statutes, includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. This includes but is not limited to any facility so designated as a provider as evidenced by records of the Florida Department of Children and Families. The term includes: day nurseries; Head-Start programs; kindergartens; day care services; nursery schools; or play schools. Facilities not designated by the Florida Department of Children and Families as a ‘Family Day Care Home’ or ‘Large Family Child Care Home’ shall be considered a Child Care Center. Hours of operations and time frames for the care of children, as well as other governing criteria, is as required by Florida Statutes. Site development criteria is as required by the applicable sections of these LDR.

City. Means of, pertaining to, or by the official and incorporated City of Live Oak, Florida.

Clinics or offices, medical or dental. An establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the healing arts including medical doctors, chiropractors, osteopaths, dentists, massage therapists, chiropodists, naturopaths, optometrists, or a similar profession, the practice of which is regulated by the State of Florida.

Club, private. A non-commercial establishment organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or bylaws. The term "private club" does not include casinos, night [social] clubs, bingo, community or reception halls [centers], internet cafés, bottle clubs, bars or other similar establishments.

Code enforcement officer. Any designated employee or agent of the municipality whose duty it is to enforce codes and ordinances enacted by the municipality, including those contained herein.

Collector streets. Streets (roads), which may or may not be State maintained DOT streets, which serve as the connecting link between local streets and arterials, and which provide for intra-neighborhood transportation, and are so designated on the applicable Federal Highway Administration (FHWA) functional classification designations. The traffic characteristics generally consist of medium trip lengths with moderate speeds and volumes. Collector roads are identified in the city's comprehensive plan map series. Said designation in no way affords a premise for eligibility for amendment of a parcel to a higher intensity land use or zoning classification or district as many collectors front areas only appropriate for residential land uses.

Commercial message. Any wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service or other commercial activity.

Commercial center or office center. A single parcel of land, or abutting parcels under a single ownership, containing two (2) or more businesses or establishments, including all forms of retail, wholesale, and services.

Commercial project. A land development or redevelopment project which establishes, expands or alters any commercial, industrial, service or office business use, and/or including any multi-family development of three or more dwelling units, attached or unattached, on a parcel or abutting parcels of land, which are under management or ownership control, also including public or private improvements and site work to serve or facilitate said development or subdivision.

Communication antenna. An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission.

Communication tower. A tower greater than 75 feet in height (including antenna) which supports communication equipment for either transmission or receiving. The term "communication tower" shall not include amateur radio operators equipment, including citizens band, Very High Frequency and Ultra High Frequency Aircraft/Marine, and other similar operators. Design examples of communication towers are described as follows:

1. Self-supporting lattice;
2. Guyed; and,
3. Monopole.

Community residential home. A dwelling unit licensed to serve residents, as defined herein, who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. "Resident" means any of the following: a frail elder as defined in F.S. 429.65; a physically disabled or handicapped person as defined in F.S. 760.22(7)(a); a developmentally disabled person as defined in F.S. 393.063; a non-dangerous mentally ill person as defined in F.S. 394.455(18); or a child who is found to be dependent as defined in F.S. 39.01 or F.S. 984.03, or a child in need of services as defined in F.S. 984.03 or F.S. 985.03., all Florida Statutes (F.S.) referenced, as amended. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances.

Completely enclosed building. A completely enclosed building is a building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance and exit doors.

Completion. Shall mean the date by which a previously reviewed, approved and permitted development or building is granted a Certificate of Occupancy by the City Building Official, additionally, instances where improvements have been installed which are to be formally accepted by the City Council, as required herein, and thereby dedicated to the public use and ownership, shall mean the date that said improvements, after inspection and approval by the City and/or third-party designee of the City, are accepted by the City Council in a public hearing, either by method of acceptance of a subdivision plat, or in the case of a non-subdivision development, by resolution, as required herein.

Cone of influence. An area around one or more major water-wells, the boundary of which is determined by the city council based on groundwater travel or drawdown depth.

Construction, actual. Includes only work begun under a valid building permit and means the placing of substantial construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has occurred preparatory to new construction, such demolition, excavation, or removal is deemed to be actual construction, provided that work is continuously carried on until the completion of the new construction involved.

Copy. The text or graphics on a sign surface in either permanent, removable or electronic form.

County health department. The Health Department of Suwannee County.

Cul-de-sac. A local street of relatively short length with one end open and the other end terminating in a vehicular turnaround.

Curb break. A driveway or other opening for vehicles entering a public street.

Curb cut. See Curb Break.

Customer entrance. The portion of a structure which is the point of ingress or egress, for the public, from or to a parking lot, sidewalk, boardwalk, covered breezeway or covered porch into or out of the establishment.

**D**

Day care center or nursery. See Child care facility.

Demolition. For the purposes of permit issuance, code enforcement/Magistrate order, or other related actions by property owners, City officials or related parties; shall mean the complete removal of all building components, that there is nothing preserved for reuse in place and the improved construction area is to look as if nothing was ever there, once demolition is complete.

Density, gross residential. The number of residential dwelling units permitted per gross acre of land, determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel including dedicated rights-of-way and except as otherwise provided in these LDR. In determining the number of residential units permitted on a specific parcel of land, a fractional unit is rounded down to the nearest whole unit.

Developer. A person, including a governmental agency, undertaking development as defined in F.S. ch. 163, part II and F.S. § 380.031, as amended.

Development. As defined in F.S. ch. 163, part II and F.S. § 380.04, as amended.

Development order. Per Florida Statutes, is an order granting, denying, or granting with conditions an application for a development permit.

Display, Major Retail. An open-air area on private property, as specifically allowed for in Article 4, which is not 'Minor', which provides for display of cars, boats, golf-carts, portable buildings, manufactured homes, recreational vehicles, utility trailers, rental vehicles and equipment, farm and lawn maintenance equipment and other similar as determined by the LDR Administrator. Any such area which is improved with rock, asphalt, and cement or similar, shall be considered a vehicular use area, as well as included in determining lot coverage standards.

Display, Minor Retail. An open-air or partly enclosed area on private property, which is not completely enclosed within a building, as specifically allowed for in Article 4, which provides for display of retail goods offered by the licensed establishment at that location. To be considered minor, it is limited to 10% of the area of the associated building which contains the licensed establishment.

Distance. The shortest spatial separation between two points, or objects, measured horizontally in miles, feet, or inches along a straight line, unless otherwise specified in the LDR.

District, zoning. Also pertains to 'district', means the current zoning assignment to a lot, or portion thereof, as evidenced by data on the city's Official Zoning Atlas.

Dormitory. A space in a unit where group sleeping accommodations are provided with or without meals for persons, not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management as in college dormitories, fraternity houses, and military barracks.

Drainage basin. The area defined by topographic boundaries which contributes storm-water to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage detention structure. A structure which collects and temporarily stores storm-water for its gradual release. The storm-water may receive prior purpose treatment through physical, chemical, or biological processes with subsequent gradual release of the storm-water.

Drainage facilities. A system of manmade structures designed to collect, convey, hold, divert or discharge storm-water and includes storm-water sewers, canals, detention structures, and retention structures.

Drainage retention structure. A structure designed to collect and prevent the release of a given volume of storm-water by complete on-site storage.

Dumpster. A portable container, used for temporary storage of garbage, trash, or other refuse or receptacle material, that has a capacity of one cubic yard or more.

Dwelling unit (D.U./Dwelling). A single unit providing complete, independent living facilities for one or more persons, constituting a primary, separate, independent housekeeping establishment, limited to being occupied by one family (as defined), and, in the case of a two-family or multiple-family arrangement, physically separated from other rooms or dwelling units which may be in the same structure. Said unit shall contain a dedicated entrance from the outside, as well as permanent provisions for living, sleeping, kitchen/ cooking facilities, and bathroom/ sanitary facilities and areas with a flush toilet, lavatory and tub or shower bath, with plumbing and electrical connections provided for attachment to outside systems. Shall not include buildings licensed, inspected and approved for transient use such as hotels and motels, or those which are designed or occupied as Group Living Facilities. (See applicable Sections contained herein).

Dwelling, accessory. An ancillary secondary dwelling unit, as provided for herein, established in conjunction with, and clearly subordinate to, a primary dwelling unit on the same lot, whether a part of the same structure as the primary dwelling unit or in a detached structure on the same lot. One not constructed or utilized as a guest house or guest cottage, shall be considered as a 'Type Other', and shall be as provided for herein, and in conjunction with F.S. 163.31771, as amended.

Dwelling, conventional single-family. A site-built, stick-built, or off-frame (without a chassis) residential modular dwelling (as defined herein) affixed and installed to a permanent foundation (e.g., engineered and poured: slab or stem-walls and piers with footers) containing only one dwelling unit and structurally connected to no other dwelling unit, or not sharing a single parcel of record with another such primary dwelling unit. For regulatory purposes the term is not to be construed as including mobile or manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, guest house or guest cottage. An accessory dwelling, intended for intermittent or temporary occupancy by a nonpaying guest; provided, however, that such quarters have no cooking facilities, are not rented, and have no separate utility meters.

Dwelling, live-work. A dwelling unit established in an existing nonresidential building or a new mixed-use building.

Dwelling, manufactured home single-family. A home fabricated on or after June 15, 1976, in an offsite manufacturing facility, which is then transported in one or more matching sections, for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act. A travel trailer is not a mobile or manufactured home.

Dwelling, Type I manufactured home single-family. A manufactured home built on or after June 15, 1976 and before July 13, 1994. Also referenced as Early Code Manufactured Homes in related FEMA manufactured home documents.

Dwelling, Type II manufactured home single-family. A manufactured home built on or after July 13, 1994, according to the amended HUD Manufactured Housing Construction and Safety Standards.

For regulatory purposes, a modular single-family dwelling which otherwise meets the related definition herein, which is produced with "on-frame" construction, and transported on wheels and axles to the site, and installed on foundation pads, dry stacked blocks and tie-downs, rather than constructed without a chassis to be affixed and installed on permanent foundations (e.g., engineered and poured: slab or stem-walls and piers with footers), shall fall under this defined term, when specified as a listed permitted use in various associated zoning districts; however, installation of such modular dwelling shall be done by a licensed contractor and not a mobile home installer, as required by Florida Statutes.

Dwelling, mobile home. A non H.U.D. home constructed prior to June 15, 1976. Also referenced as Pre-Code Manufactured Homes in related FEMA manufactured home documents.

Dwelling, modular single-family. A structure which is or was originally designed and constructed for residential occupancy in accordance with the State of Florida that is, either wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassemble, damage to, or destruction thereof.

A modular dwelling under this definition shall have been built under and to the Florida Building Code and in compliance with Chapter 553, Florida Statutes; often referred to as a "DCA Home", and shall have a Department of Community Affairs (DCA) or Department of Economic Opportunity (DEO) insignia on the inside cover of the electrical panel containing: the words "Department of Community Affairs" or "Department of Economic Opportunity", the State of Florida Seal, Occupancy, and a MB number. There also shall be affixed a manufacturer data plate containing: manufacture's name, date of manufacture, serial number, occupancy, construction type, wind velocity, floor load, etc. This definition shall not include any manufactured building constructed prior to March 1, 2002, which was produced under the old Standard Building Code, and not the Florida Building Code, nor does it include, for dwelling occupancy purposes, any such building not originally designed, constructed and certified for residential occupancy.

Dwelling, multiple or multiple-family. A conventionally built or constructed building or group of buildings, on a single parcel of record, originally designed and constructed for three or more adjoining primary dwelling units, with each dwelling unit having a separate entrance and a party wall and/or party floor or ceiling connecting it with at least one other dwelling unit. Also applies to a series of separate single-family or multi-family buildings all located on a single parcel of record. Said dwelling units may be in part owner occupied and/or intended to be leased or rented and maintained under central ownership and management. A multiple dwelling in which dwelling units are available for rental for periods of less than one week is considered a tourist home, a motel, motor hotel, or hotel as the case may be.

Dwelling, park model single-family. Used interchangeably with "park trailer" as found in Chapter 320, Florida Statutes, is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI

A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards.

Dwelling, single family. One building under one roof, on a single parcel or lot of record with its own property parcel number, containing only one dwelling unit, and occupied and utilized as and by only one family, as defined. It may be either: a single-family conventional or unconventional dwelling, modular or a manufactured home dwelling, depending on various single family zoning allowances.

Additionally, occupancy, or alteration for occupancy, of a single family dwelling unit residence located in a single family zoning district, in a manner to divide up rooms with undocumented or unpermitted alterations including but not limited to additional partition walls/doors, or interior doors which are individually padlocked or dead bolted from the exterior/hall side of the door, or having separate rental payment agreements for multiple occupants, or not meeting minimum Florida Building or Fire Code standards for room dimensions, windows, light, and others which may apply, or the occupancy of said residence by related or unrelated persons, in excess of the occupancy policy established by the Department of Housing and Urban Development, shall constitute said residence being classified as two-family, multiple-family, or as a Group Living Facility, and shall result in the instance being found to be a violation of the LDR, and subject to enforcement as provided, unless otherwise determined to be allowable under existing nonconforming provisions.

Dwelling, two-family or duplex. One conventionally built or constructed building under one roof, on a single parcel of record, originally designed and constructed to contain only two dwelling units, each serving as a primary use. A modular style duplex, which otherwise meets the criteria under the definition of Dwelling, conventional single-family, shall also be included in this definition.

Dwelling, unconventional single-family. A building containing one primary dwelling unit, on a single parcel of record, and structurally connected to one or more dwelling units. For regulatory purposes the term is not to be construed as including manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

**E**

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

Electronic LED or LED display sign. See Sign, Variable Message Board.

Elevation. Height in feet above mean sea level as established by the National Geodetic Vertical Datum (NGVD) of 1929.

Elevated building. A non-cellar building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Engineer. A professional engineer registered to practice engineering by the State of Florida and who is in good standing with the Florida Board of Engineer Examiners and Land Surveyors.

Erect. To build, construct, attach, hang, place, suspend, paint, or affix.

Essential services. See applicable LDR Sections.

Establish. To cause to occupy a lot, building, or portions thereof, with a new or differing use, or to re-occupy a lot or building which no longer has a qualifying status as legal nonconforming.

Establishment. A commercial, industrial, institutional, educational, office, business, or financial establishment, including all forms of retail, wholesale, and services.

Expansion. The act of expanding; to increase the size, volume, quantity, scope or use of; enlarge; or spread out.

Extermination. The control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods.

**F**

Facility. A building or buildings, appurtenant structures and surrounding land area used by a single business private entity or governmental unit or sub-unit at a single location or site.

Family. To protect health, safety, traditional family life and preserving the atmosphere of the neighborhood, by preventing unsafe occupancy, overcrowding and excessive traffic, one or more persons occupying a single dwelling unit as a family or the functional equivalency of a traditional family, as those which:

1. Share the entire dwelling unit under one or more presiding heads of the household;
2. Reside and cook or warm food together as a single/common housekeeping unit;
3. Share expenses for food, utilities or other household expenses;
4. The head of the household pays an all-inclusive mortgage or rent payment, if applicable, on behalf of the family unit;
5. All members are related by blood, adoption, marriage, or foster care or the group contains no more than three unrelated persons; and
6. Are part of a permanent, stable, non-transient household.

Provided that, no more than one roomer or boarder may occupy the dwelling unit (for two or more roomers or borders, see Group living facility).

Fence. A constructed vertical barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fill. Any materials deposited for the purpose of raising the level of natural land surface.

Flag. Any outdoor display or device made of fabric and used to convey a message or attract attention. A flag is typically larger that a pennant and differs from a banner because a flag is typically attached along only one side to a pole or hung from only one side beneath a beam or other overhead structure.

Flashing sign. See Sign, Animated.

Flood. The unusual and rapid accumulation or runoff of surface water of any source.

Flood elevation of record. The maximum flood elevation for which historical records exist.

Flood hazard boundary map (FHBM). The flood hazard boundary map (FHBM), issued by the Federal Emergency Management Agency and defining as zone A the boundaries of areas of special flood hazard, is the official such map of the city.

Flood insurance rate map (FIRM). The flood insurance rate map (FIRM), issued by the Federal Emergency Management Agency and delineating areas of special flood hazard and zones of risk premium applicable to the city, is the official such map of the city.

Flood insurance study. A flood insurance study, provided by the Federal Emergency Management Agency and containing flood profiles as well as the flood boundary floodway map and the water surface elevation of the base flood, is the official such report for the city.

Floodplain. An area inundated during a 100-year flood event or identified by the Federal Emergency Management Agency as an A zone on flood insurance rate maps or flood hazard boundary maps.

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

Floor area. Except as may be otherwise indicated in relation to particular districts and uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating, heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than 48 inches above the general finished and graded level of the adjacent part of the lot.

Floridan aquifer system. The thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the Surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the Surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system, but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan aquifer is the deepest part of the active groundwater flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of a regionally persistent sequence of anhydride beds that lie near the top of the Cedar Keys Limestone.

Foster family home. A home, otherwise located in a zoning district which permits single-family residential units, providing parental care for three or fewer total minor children for which reimbursement or fee is received for any one or more of the children in return for such services. This use must comply with statutory licensing requirements.

Foster group home. A home or facility, child caring institution, or group home, that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance,

protection and guidance, providing parental care for four or more total minor children for which reimbursement or fee is received for any one or more of the children in return for such services, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. This use must comply with statutory licensing requirements.

Frontage, Building or Tenant. The length of an outside building wall, from corner to corner or tenant wall to tenant wall, which contains a public customer entrance.

Frontage, Street or Road. For the purposes of the Sign Regulations, the length of the lot line of any one parcel, in linear feet, where it abuts and runs parallel to the right-of-way of any public street, which along its length, contains a curb cut or curb break to allow vehicular traffic ingress or egress, as opposed to a Bordering Street. Any wall of a building which is parallel to such a street is considered a wall which fronts the street right-of-way.

Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water such as a docking facility necessary for the loading or unloading of cargo or passengers, boat building, boat repair, or fishery processing facilities. The term does not include long term storage, manufacture, sales or service facilities.

Fundraising activity. An activity, otherwise allowed by law, ordinance or code, conducted by a Non-Profit organization (NPO), or a non-commercial organization which is operating under the administration of a verified, recognized, bonifide governmental, fraternal, educaional, recreational or charitable entity, which is temporary in nature and at a specific location, and for the purpose of raising funds to benefit and futher the objectives, goals and mission for said organization. Including, but not limited to, car washes, prepared food plates, cook-offs, auctions, yard markets and sales, ‘bail-outs’, ‘a-thons’, and similar type events. Also may include an activity conducted by said entities provided as an outreach or ministry to the public. Pursuant to Section 14.10, said activity may require the application for and issuance of a zoning special permit for temporary uses, for the location, unless conducted at a recognized public event location, IE: fairgrounds, stadium, school, city park, etc. with approval by the assoicated entity which has ownership or authority over said recognised public event location.

Future land use plan map of the comprehensive plan. Shall mean the current and up to date data found on the GIS based mapping computer software maintained by the land development regulation administrator, superseded only on a parcel by parcel basis, by any legally adopted ordinance, and subsequent acceptance and certification by the Florida Department of Community Affairs, of a land use classification district amendment, in which said change has not yet been updated and reflected on said GIS based map.

**G**

Garage, parking. A building or portion thereof designed or used for temporary parking of motor vehicles.

Garage, private. A structure designed or used for inside private parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is considered part of the main building. An unattached private garage is considered an accessory building.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Grade. A reference plane representing the average finished ground surface level immediately adjacent to the exterior walls of a building or a sign structure.

Groundwater. Water in saturated zones or stratum beneath the surface of land or water, whether or not it is relatively stationary or flowing through channels.

Group living facility. An establishment where lodging is provided:

1. For four or more persons who are not a family or for two or more roomers or boarders;
2. For residents rather than transients;
3. On a weekly or longer basis; and,
4. In which residents may share common sleeping or kitchen facilities.

The term "group living facility" includes: dormitories; fraternities and sororities; rooming facilities/houses or boarding facilities/houses; half-way houses; foster group home; convents or monasteries; communal living facilities in conjunction with a non-profit organization or religious sect, society or group of collective associated individuals; orphanages; labor-force and agricultural-force housing or camps located at said commercial, industrial or agricultural based entities. For purposes of these LDR one-, two-, or multiple-family dwellings which constitute separate housekeeping establishments for individual families are not considered group living facilities. This definition also does not pertain to Long Term Care Facilities, Retirement Communities or Facilities, Community Residential Homes or institutions which house incarcerated individuals sentenced by a judicial authority to confinement in a controlled setting.

**H**

Habitable room. A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Habitable story. Any story used or to be used for living purposes which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A story used only for storage purposes and having only non-load-bearing walls (e.g., breakaway lattice-work, wall, or screen) is not a "habitable story".

Hazardous waste. Solid waste, or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Height, Sign. The vertical distance in feet from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure, whichever is higher.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home occupation. An occupation conducted entirely within a dwelling unit in accordance with home occupation criteria herein.

Hospice. A centrally administered corporation providing a continuum of palliative and supportive care for the terminally ill patient and his or her family.

Hospice residential unit. A homelike living facility, other than a facility licensed under other parts of Chapter 400, 395, or 429, Florida Statutes, as amended, that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence.

Hotel, motel, motor hotel, motor lodge, tourist court. A building or group of buildings in which sleeping accommodations are offered primarily for rental to transients with a daily charge, as distinguished from multiple family dwellings and group living facilities where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients.

HUD Label Display. A HUD label certifying that it was built in accordance with the Federal Manufactured Housing Construction and Safety Standards, and as described further in the Florida Highway Safety and Motor Vehicles Mobile/Manufactured Home Construction Standards document.

**I**

Improvements. Includes, but is not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, road and street signs, landscaping, permanent reference monuments ("PRMs"), permanent control points ("PCPs"), or any other improvements required by the subdivision regulations, otherwise, improved areas shall be considered any changes to unimproved areas of land, including but not limited to new: driveways, parking, walkways, buildings, structures, or other changes to land which are impervious in nature or which increase the intensity of use of the area in question.

Infestation. The above average presence within or around a dwelling of insects, rodents, or other pests.

Internet café. Also includes Cyber Café, Cyber Center, Internet Center or Parlor, Gaming Center or Sweepstakes Café or Center. A place where people can get connected to the Internet, where food or drink may be available, while using a publicly accessible computer. While the main activity in the cyber cafe is the Internet, such as email, newsgroup and web site surfing, other applications usually available are office suite to type document, spreadsheet, games, such as online games and other utilities such as printing service, scanning and digital photo/CD/DVD service or repair services. Some internet cafes also sell computer accessories and computer related stuffs. People may have their food and drink at the computer table or at separate tables provide by the cafe. Modern cyber cafe also have wireless connection in their local area networking (LAN), where people can bring their own lap top and get connected to the Internet by paying a small fee. People can play online games or network games. Customers may buy Internet time or purchase phone cards. With the Internet time, a person can search the Web, etc. and the Internet time and phone cards may also allow the purchasers to play the sweepstakes games that come with them.

**J**

Junkyard. A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., is brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition does not include automobile wrecking or automobile wrecking yards nor does it include establishments for the sale, purchase, or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which are usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

**L**

Land. The earth, water and air, above, below or on the surface and includes improvements or structures customarily regarded as land.

LDR. Regulations pertaining to and adopted by the City of Live Oak, Florida, which, according to the Florida Statutes, address the use of: land and water, subdivision of land, drainage and storm-water management, protection of environmentally sensitive areas, sign control, standards for public facilities and services, existing housing quality, on-site traffic flow and parking and any other regulation contained herein and so adopted by the city council.

Land development regulation administrator. The primary official designated by the City Council for the administration of the City of Live Oak comprehensive plan and the LDR, also known as the Development Manager. Certain activities and administration of the LDR is vested with other city officials, including but not limited to: the Building Official, Floodplain Administrator, and Code Enforcement Officer. When acting in their applicable capacities, these officials shall be considered to be acting as the LDR Administrator, as a designee of, but distinctly separate from, the Development Manager.

Landmark. A building or structure which has been designated as such within the comprehensive plan.

Landmark site. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

Landscaped areas / Landscaping requirements. For the purposes of these LDR, and specifically pertaining to off-street parking areas, as defined herein, shall mean required green-space areas located within the development area of new, changed or expanded uses, where off-street parking is provided (expanded or installed), said areas to be located not only around the periphery of a parking lot, but shall also be located within the interior of the off-street parking lot area, in a manner which serves to divide and break up any expanse of parking and driveway areas;

said areas which are not only grassed, sodded or otherwise covered with ground vegetation, but which also contain a certain number of trees, as required, and for each tree to also be supplemented by a proportionate number of small and medium sized plants and shrubs, planted in proximity to said trees;

said areas to contain no commercial displays, except for signage as allowed;

said percentage of landscaping to be determined using the total area of all parking, loading, private streets and driveways, firelanes, and all other impervious or rocked area, which is to serve the develoment complex and/or primary or accessory structures, or such areas which are located or proposed to be located on said parcel or tract of land in the incorporated City of Live Oak;

said areas to be maintained as required herein.

LED (Light Emitting Diode) light. A light source or device that relies on passing electricity through and exciting a chemical compound rather than the heating of a filament.

Level of service. 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 indicates the capacity per unit of demand for a public facility.

Licensed. Where found within these LDR, this term refers to the applicable licensing as issued from a licensing entity authorized and charged to oversee their respective area. It may mean federal or state agency, division, bureau or department. It may also be used interchangeably with the terms registered and/or tagged, IE: Licensed Vehicle.

The City does not issue licenses. Businesses generally apply for a Business Tax Receipt (BTR), therefore where applicable, said term shall reference the BTR, and associated inspections and approvals tied to said BTR.

Lien. A claim on the property of another as security against the payment of a just debt.

Loading space, Off-street. A dedicated space in addition to customer parking areas logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled as required herein, expected to be used, and accessible to such delivery or service related vehicles.

Local Planning Agency. The agency designated by the city council under the provisions of F.S. ch. 163, part II, as amended.

Local streets. Streets whose primary function is to provide the initial access to the collector and arterial streets. These facilities are characterized by short trips, low speeds, and small traffic volumes.

Long-Term care facility. A nursing home facility, assisted living facility, adult family-care home, board and care facility, hospice care facility, home for special services as defined in Florida Statutes, intermediate care facilities, transitional living facility, prescribed pediatric extended care facilities, personal care facility, supervised living facility, or any other similar residential adult healthcare facility.

The term "Facility" within the context of this type of establishment and/or service means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care services, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, disability, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill.

A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. This definition shall not pertain to a Hospital, Group Living Facilities, Retirement Communities or Facilities, or any institutions which house incarcerated individuals sentenced by a judicial authority to confinement in a controlled setting.

Long-Term care facility resident. An individual 60 years of age or older, or who otherwise qualifies for services rendered by the facility, who resides in a long-term care facility.

Lot. A lot or lot of record is a recorded portion of a subdivision, or any parcel of land of record, recorded in the office of the county clerk or other governing property records authority, which contains frontage on a public right-of-way, intended as a unit for building development or for transfer of ownership or both. For purposes of these LDR, a lot is of at least sufficient size to: (a) meet minimum zoning requirements for use, coverage, and area, and (b) provide the yards and open spaces as are herein required; provided, however, that certain existing nonconforming lots of record (Sec. 4.1.6) may be exempted from certain provisions of these LDR as provided herein. May also be a parcel of land described by metes and bounds; provided that in no case of division or combination, shall a residual lot or parcel be created, which does not meet the requirements of these LDR.

Lot access. The method of ingress and/or egress to a non-conforming lot of record which does not currently front a public street right-of-way.

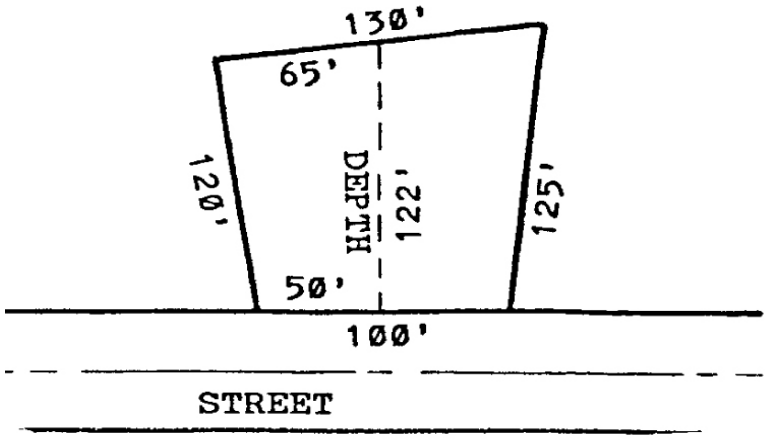
Lot area. The total horizontal area included within lot lines.

Lot coverage. That percentage of lot area covered or occupied by buildings, including accessory buildings.

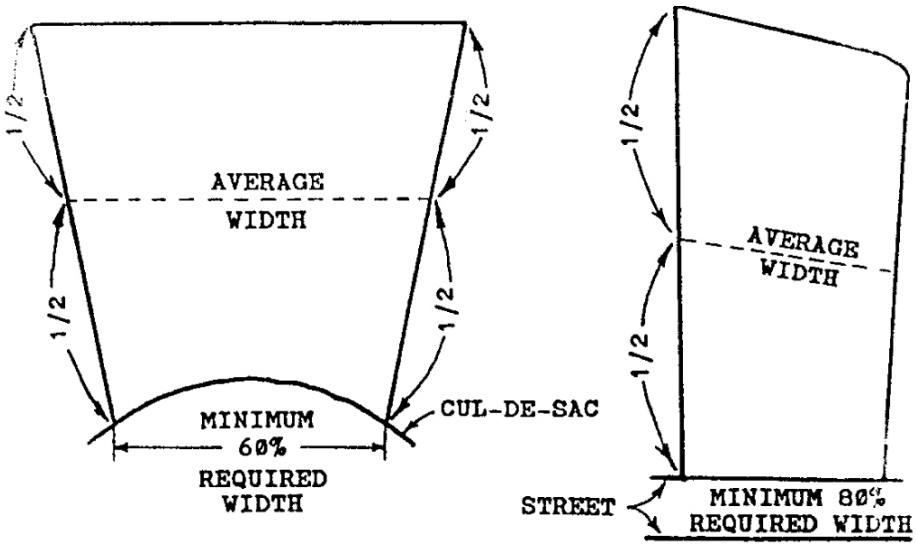
Lot frontage. The portion of a lot abutting a public street.

Lot line. The ownership lines bounding a lot.

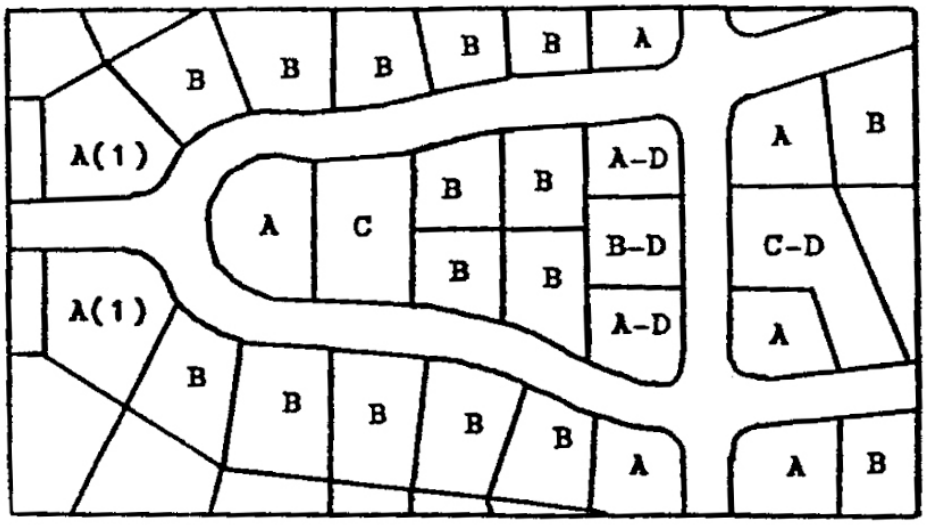
Lot measurement, depth. Depth measurement of a lot is considered to be the distance between the midpoints of straight lines connecting the foremost points on the side lot lines in front and the rearmost points of the side lot lines in the rear.




Lot measurement, width. Width measurement of a lot is considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) and the rear most points of the side lot lines in the rear; provided, however, that the width between the side lot lines at their foremost points in the front are not less than 80 percent of the required lot width except for lots on the turning circle of a cul-de-sac where the width is not less than 60 percent of the required lot width.



Lot types. Lot types and associated terminology is illustrated in the diagram below for corner lots, interior lots, through lots and reversed frontage lots.




In the diagram:

A = Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets is considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lot marked A(1) in the diagram;

B = Interior lot, defined as a lot other than a corner lot with only one frontage on a street;

C = Through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets are also referred to as double frontage lots; and

D = Reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D), or a through lot (C-D).

**M**

Mansard or Mansard roof. In architecture or building design, it refers to a style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water.

Marginal access street. A street, parallel and adjacent to an existing street, providing access to abutting lots.

Major recreational equipment. Includes boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Mini-storage facility. A building or series of buildings operated as one enterprise accessible either during posted hours of operation or self-accessible at any time, and providing completely enclosed individual storage compartments or units which are separated by permanent partitions, and offered to the public for rent for storage of personal goods only none of which shall be explosive, flammable, or illegal. An area within a building may also be included to provide office space and required sanitary facilities for use by the owner(s) of the facility or their employee(s) only and only for the purpose of operating the mini-storage facility.

Mobile home. See Dwelling, mobile or manufactured home.

Manufactured home park. A parcel of land under single ownership or management which is operated as a business engaged in providing for the parking or leasing of manufactured homes, for nontransient living or sleeping purposes, and where lots or dwelling units are offered only for rent or lease, and including customary accessory uses such as owners' and managers' living quarters, laundry facilities, and facilities for parks and recreation. Does not include areas for recreational vehicles, travel trailers or campers.

Manufactured home stand. One or more designated areas within a lot or parcel, designated for the accommodation of not more than one manufactured home, such area which provides connections for electric, potable water, and sanitary sewer.

Manufactured home subdivision. A residential subdivision where individual lots, not stands, are offered for sale for use exclusively by manufactured homes.

Mobile or semi-permanent food truck, trailer or cart vendors. A licensed motorized vehicle, trailer or cart unit where food items may be prepared or provided, and are available for sale to the general public.

Mobile recycling collection center. A unit designed for transportation, after fabrication, on streets or highways on its own wheels and which is completely enclosed by a rigid opaque covering. Its purpose is the collection of reusable material including, but not limited to, glass, paper, aluminum, steel cans, and plastic for reuse, remanufacture, or reconstitution in an altered form. This excludes the collection of refuse, household appliances, auto parts, or hazardous materials, the wrecking or dismantling of auto salvage material or the burning, melting, or any form of alteration of such products within the collection center.

Mobile service related activity, Commercial. A licensed commercial service accessory use activity conducted to provide a variety of services at non-residential locations, by a business entity licensed to conduct business in the City, where the owner or employees of said service business, upon being solicited to do so, temporarily travels to the location and performs a specific scope of work for the owner or manager of the establishment, including to make estimates, conduct repairs, alterations, handy-man and construction, installation, building interior and exterior cleaning, concrete and asphalt maintenance and installation, lawn care and landscaping, decorating, catering and similar, however does not include any activities to vehicles as enumerated under automobile repair garage, vehicle washing, etc. Subject to any additional standards as apply in Article 4, to the subject property location.

Mobile service related activity, Residential. A licensed commercial service accessory use activity conducted to provide a variety of services at residential locations, by a business entity licensed to conduct business in the City, where the owner or employees of said service business, upon being solicited to do so, temporarily travels to the location and performs a specific scope of work for the owner or resident of the property, including to make estimates, conduct repairs, alterations, handy-man and construction, installation, building interior and exterior cleaning, concrete and asphalt maintenance and installation, lawn care and landscaping, decorating, catering and similar, however does not include any activities to

vehicles as enumerated under automobile repair garage, vehicle washing, etc. Subject to any additional standards as apply in Article 4, to the subject property location.

Motel, motor hotel, or motor lodge. See Hotel.

Moving sign. See Sign, Animated.

**N**

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

Natural drainage features. The naturally occurring features of an area which accommodates the flow of storm-water such as streams, rivers, lakes, and wetlands.

Neighborhood Community Center. A public or privately held building or group of buildings and associated site in which members of a community may gather for recreational, social, educational, or cultural activities, subject to additional criteria as specified herein, or implemented by Board of Adjustment condition, as applicable, and see also Chapter 18 of Live Oak Code of Ordinances, under Banquet Hall, as applicable.

New construction. Structures for which the "start of construction" commenced on or after the effective date of these LDR.

Newspaper of general circulation. A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nonconforming lots, uses of land, structures, characteristics of use, and use of structures and premises. As provided for herein.

Non-Profit organization (NPO). An organization that does not distribute its surplus funds to owners or shareholders, but instead uses them to help pursue its goals. Examples include charities (i.e. charitable organizations), trade unions, public arts organizations and entities who have meet the requirement for an IRS 501(c) designation. Organizations purported to be non-profit must produce satisfactory third party documentation to utilize the provisions contained herein.

Non-Residential location. Any parcel of land located in a zoning district, according to the Official Zoning Atlas of the City of Live Oak, as amended, which is not zoned: RSF; RSF/MH; RMH; RMH-P; or RMF along with the associated 1, 2 or 3 as may be applicable; or any use or establishment which legally exists in such a district, which is not currently utilized in a residential manner.

Nuisance. The following are defined as nuisances:

1. A public nuisance known at common law or in equity jurisprudence;
2. A attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound

fences or structures; or lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;

3. Whatever is dangerous to human life or is detrimental to health, as determined by the county health officer;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewerage or plumbing facilities;
7. Uncleanliness, as determined by the county health officer;
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the county health officer.

Nursery school. See Child care facility.

Nursing home and Nursing home facility. A long-term care facility which provides nursing services as defined in Part I of chapter 464, Florida Statutes, as amended, and which is licensed according to this part.

**O**

Office, Business. A business office is for providing such service operations as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies, insurance companies, stockbroker, employment agencies, billing office, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on or delivered from the premises to a customer.

Office, Professional. A professional office is for the use of a person or persons generally classified as professional service such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including boarding of animals on the premises, except as part of treatment and then only in soundproof buildings), psychiatrists, psychologists, and the like. It is characteristic of professional offices that the use is devoted principally to an offering of consultative services.

100-year flood area. The 100-year flood area means those area within the scope of these LDR that have a land elevation less than the official 100-year flood elevations.

Official 10-year flood elevation. The official 10-year flood elevation means the most recent and reliable flood elevations based on a Log Pearson type III probability distribution produced by the United States Geological Survey and based on historical data.

Official 100-year flood map. The official 100-year flood map means the map issued by the Federal Emergency Management Agency that delineates areas having ground elevations less than the official 100-year flood elevations.

Official Zoning Atlas of the land development regulations. Shall mean the current and up to date data found on the GIS based mapping computer software maintained by the land development regulation administrator, superseded only on a parcel by parcel basis, by any legally adopted ordinance of zoning district amendment, in which said change has not yet been updated and reflected on said GIS based map.

Opaque. Not transparent or translucent; impenetrable to light; not allowing light to pass through.

Opaque fence. Any fence which serves as a solid barrier to separate, protect, or buffer one area from another. When required, an opaque fence shall be a natural stained or white painted wooden privacy type with abutting board edges, a solid white vinyl type, or a solid masonry wall pained a solid, neutral color.

Outdoor storage yards and above ground fuel bulk storage and dispensing facilities and yards may propose a colored chain link fence with colored privacy inserts or other permanently maintained screening to meet the opaque fence requirement. See also fence regulations and requirements in the City Code of Ordinances. When determined appropriate by the LDR Administrator, other colors may be allowable, when deemed to compliment and not conflict with the surrounding landscape or built environment.

The required height shall be measured from the highest portion of the nearest adjacent grade of dirt or landscaped area.

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Open spaces. Undeveloped lands suitable for passive recreation or conservation uses.

Operator. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner. The holder of the title in fee simple or any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. Owner also means any person who, alone or jointly or severally with others:

1. Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Has charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person firm, or corporation in control of a building; or their duly authorized agents. A person representing the actual owner is considered to be bound to comply with the provisions of these LDR to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of reported infractions of these LDR pertaining to the property and which apply to the owner.

**P**

Package store. A place where alcoholic beverages are dispersed or sold in containers for consumption off the premises, as licensed by the State of Florida.

Park, Private. An area contained within and wholly on provate property, which is designated and available only to residents of apartments, institutions or homes within a private complex area.

Park, Public. An area under governmental control, and open to the public, providing open space and/or ammenities which offer opportunities for exercise and recreation.

Parking space, Handicapped. An off-street parking space reserved for persons who are physically disabled or handicapped.

Parking Area, Off-Street. Consists of any area on private property which meets the parking requirements herein, together with any related driveway and curb-cut access to a public street or alley and internal maneuvering driveway aisles.

Shall also mean all vehicular use areas (VUA), including but not limited to loading and storage areas, as well as any area dedicated or utilized for outside display purposes.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a pole, rope, wire, or string, often in a series, designed to move in the wind, and to act as an attention getting device.

Performance bond. See Surety device.

Permanent control point (PCP). A secondary horizontal control monument which is either a metal marker with the point of reference marked thereon or a four-inch by four-inch concrete monument a minimum of 24 inches long with the point of reference marked thereon. PCP's bear the registration number of the surveyor filing the plat of record.

Permanent reference monument (PRM). A metal rod a minimum of 24 inches long or a 1 1/2-inch minimum diameter metal pipe a minimum of 20 inches long, either of which is encased in a solid block of concrete or set in 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 24 inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, bears the registration number of the surveyor certifying the plat of record with the letters "PRM" placed in the top of the monument.

Personal care services. Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication by a licensed person or the assistance with or supervision of medication; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence or who needs assistance to manage the person’s personal lift, regardless of whether a guardian has been appointed for the person.

Planning and Zoning Board. The currently appointed planning and zoning board of the city as provided for herein within these LDR.

Plat. A map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions, however they may be designated, and other information required by these LDR. The word "plat" includes the terms "replat" or "revised plat."

Plat, Final. A finished drawing of a subdivision showing completely and accurately the legal and engineering information and certification necessary for recording.

Plot. See Lot.

Plumbing. The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Sanitary or storm drainage facilities and their venting systems and the public or private water supply systems within or adjacent to any building, structure, or conveyance;
2. The practice and materials used in the installation, maintenance, extension, or alteration of storm-water, liquid waste, or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

Premises. A lot, plot or parcel of land including the buildings of structures thereon.

Principal Building. The building in which is conducted the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings, however, storage

buildings, garages, and other clearly accessory structures or uses within such structures shall not be considered principal buildings.

Product tight. Impervious to the hazardous material which is or could be contained so as to prevent the seepage of the hazardous material from the containment system. To be considered product tight, the containment system needs to be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

Property, Abutting. For the purposes of the Sign Regulations, property that is immediately contiguous at any point or along a common side, boundary or lot line to the subject parcel of property. Two pieces of property that are separated by a street or right of way are adjacent, but not abutting.

Property, Adjacent. For the purposes of the Sign Regulations, property that is either abutting or on the opposite side of a common street, right of way, or easement that separates it from the subject property. In order for the parcels on opposite sides of the easement or ROW to be adjacent, it must be possible for the projected lot line of one parcel to cross the street and intersect the lot line of the adjacent parcel. Properties separated by a railroad track or freeway are not abutting or adjacent.

Public areas. Unoccupied open space adjoining a building and on the same property that is permanently maintained accessible to the fire department and free of encumbrances that might interfere with its use by the fire department.

Public buildings and facilities. The use and ownership of land or structures by a municipal, county, state, or federal governmental entity for a public service purpose. More specifically, a public facility means major capital improvements including, but not limited to, purposes of transportation, sanitary sewer, solid waste, drainage, potable water, education, parks and recreation, and health systems and facilities. For purposes of these LDR, an essential service is not considered to be a public building or facility.

Publically owned. Property parcels wholly owned and maintained by a public entity, including: Federal, State and Local Governing Bodies, Schools, Public Utility Facilities and similar governmental uses and governmental installations.

**R**

Reader board sign. See Sign, Variable Message Board or Sign, Changeable Copy, as applicable.

Recreation facility (commercial). A privately held building or portion of a building or lot designed and equipped for the conduct of sports, exercise, leisure time activities or other recreational activities, operated for a profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Recreational uses. Activities within areas where recreation occurs.

Recreational vehicle parks and campgrounds. Any area, as provided for herein, that is occupied or intended for occupancy by transients using recreational vehicles, mobile trailers or tents, as temporary living quarters for recreation, education or vacation purposes and is open to the public. Any similar establishment who allows for living arrangements for greater than 30 calendar days shall be defined as multi-family dwellings.

Regulated materials. Regulated materials include the following:

1. Petroleum products, which include fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids and other similar products. This term does not include liquefied petroleum gas, American Society for Testing and Materials grade number 5 and number 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher and asphalt oils;
2. Substances listed by the Secretary of the Florida Department of Labor and Employment Security pursuant to F.S. ch. 442, as amended (Occupational Health and Safety). This list, known as the Florida Substances List, is provided in F.A.C. ch. 38F-41, as amended;
3. Substances listed by the administrator of the United States Environmental Protection Agency pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Part 302, Designation, Reportable Quantities and Notification, as amended (40 CFR 302);
4. Substances listed by the administrator of the United States Environmental Protection Agency pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986, as amended. The list is provided in Title 40 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification, as amended (40 CFR 355);
5. Materials listed by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transport Act. This list is provided in Title 49 (Transportation) of the Code of Federal Regulations, Part 172, Hazardous Materials Tables and Communications Regulations, as amended (49 CFR 172);
6. The following elemental metals, if they are stored in a easily crumbled, powdered, or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc;
7. Mixtures containing the above materials if they contain one percent or more by volume or if they are wastes;
8. A material not included above which may present similar or more severe risks to human health or the environment as determined by the land development regulation administrator or county health official based upon competent testing or other objective means with conclusions which indicate that the material may pose a significant potential or actual hazard.

Repair. The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building or that would affect or change required existing facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" does not apply to any change of construction.

Residential buildings. Buildings in which families or households live or in which sleeping accommodations are provided and dormitories used for residential occupancy. Such buildings include, among others, dwellings, multiple dwelling houses and rooming houses (see also Dwelling Unit).

Residential home for the aged. A health care facility containing characteristics of multiple family housing by providing a maximum of independent living conditions for individuals or couples with a minimum of custodial services such as daily observation of the individual residents by designated staff personnel. Residential homes for the aged may include as accessory uses dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

Residentially zoned. Any location which, according to the Official Zoning Atlas of the City of Live Oak, as amended, is zoned: RSF; RSF/MH; RMH; RMH-P; or RMF along with the associated 1, 2 or 3 as may be applicable.

Residentially utilized. Any use or establishment which legally exists in a residential or non-residential district, which is currently utilized in a residential manner.

Restaurant. An establishment where meals or prepared (on or off-site) food, including beverages and confections, are served to customers where consumption may take place on the premises, and at least one seat, bench, table or counter is provided on the licensed premises which is available for the purposes of such consumption. The term "restaurant" includes cafes, coffee shops, doughnut shops, fast food establishments, delicatessens, cafeterias, and other businesses of a similar nature.

Restaurant, drive-in/through. Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverage to persons who stay in their automobiles.

Restaurant, take-out. An establishment where meals or prepared food, including beverages and confections, are served to customers who park and go up to a stand, counter or window, or at a drive-up window, who accept ordered food solely for consumption off the premises. Also pertains to a catering or bakery service preparing food for delivery to locations other than where the food was prepared.

Retention. The collection and storage of runoff without subsequent discharge to surface waters.

Retirement or Senior housing facility or community. A planned, self-contained community or facility for residents who have retired from an active working life, generally referred to as retirees or seniors, who are able to maintain independent living units with no general supervision by personnel providing personal care services. Said facilities or communities are deed restricted to not allow any: owner, resident, tenant, or extended family, friends, related or non-related children or associates, to reside there who are under the age of 19 year of age and of the remaining residents, a minimum of 80% would be age 55 and older. Said facilities may or may not have common amenity areas to serve the needs of its residents. Limits on the placement and density of housing units for this use shall be according to that provided by the Future Land Use Plan Map Classification assigned to the parcel(s) at the time of development proposal. This definition does not apply to a neighborhood community which would have subdivided lots for individual ownership.

Revolving sign. See Sign, Animated.

Right-of-way. Right-of-way is land dedicated, deeded, used, or to be used as a street, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public use including situations wherein the previous owner gave up his or her rights to the property so long as it is being or will be used for the dedicated purpose. Right-of-way is also a land measurement term meaning the distance between lot property lines and containing such improvements as street pavement, sidewalk, grass area, and underground or aboveground utilities.

Right-of-Way line. The boundary line between a lot, tract or parcel of land and a contiguous right-of-way.

Riverbank setback line. A line running parallel to a river and at a distance specified within these LDR.

Roadway, functional classification. The assignment of streets, functionally classified as such on the applicable Federal Highway Administration (FHWA) federal functional classification designations, Florida Department of Transportation Current Highway Functional Classification and Systems map for the city, as amended, and in the city's comprehensive plan map series, into categories according to the character of service they provide in relation to the total road network. Basic functional categories include

limited access facilities, arterial streets, and collector streets which may be sub-grouped into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. Most other streets are termed local streets. These classifications are solely evaluated on the capability and capacity of the road to facilitate movement of vehicles, goods and services within, through and around the city, and on what connective function is served from one classification type to another, which in no manner causes parcels which front or have access to a road of a specific classification to be necessarily appropriate or eligible for a more intense land use classification and/or zoning district, based on said frontage or access.

Roadway, development classification. The assignment of street and road segments, as specified herein, on a chart or map, which describes what areas in the city have the predetermined potential for development or redevelopment of a certain type, based on the coresponding land use and zoning district assignment.

Roadway, historic classification. Pertains to the assignment of street and road segments, as specified herein, on a chart or map, which describes what ares in the city have structures designated, constructed or situated in a manner which is historical in nature. Development and redevelopment of said areas and parcels shall, to the greatest extent possible, be done in a manner which will complement, and not conflict with, said historic character of the segment, and, at a minimum, shall require required front yards for primary structures to be set at a maximum of the average setbacks of surrounding parcels, rather than the standard minimum front yard setback standards which apply to non-historic roadway classified frontages.

Rooming house. A dwelling or that part of a dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator or the spouse of any of the foregoing.

Rooming unit. A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

Rotating sign. See Sign, Animated.

Rubbish. Combustible and noncombustible waste materials, except garbage. The term includes residue from the burning of wood, coal, coke, or other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

**S**

Sanitary sewer facilities. Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants, and disposal systems.

Search light. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically, usually directed up into the air, in order to attract or draw attention to a particular location. Does not pertain to aircraft beacons on towers or runways.

Sediment. The suspended or filtered-out material from the act of sedimentation.

Sedimentation. Mineral or organic particulate matter transported in water or air from the site of its origin.

Servants' quarters. Accommodations without cooking facilities or separate utility meters for domestic servants employed on the premises. Such units for housing of servants may be in either a principal or an accessory building and are not rented, leased, or otherwise made available for compensation of any kind.

Sidewalk. That portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian or bike traffic.

Sight distance triangle - curb breaks. The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points that are each ten (10) feet away from the intersection of the right of way lines and a ingress or egress driveway/curb break.

Sight distance triangle - intersections. The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points that are each twenty-five (25) feet away from the intersection of the right of way lines of two intersecting streets

Sign alteration. The changing, modification or conversion of any existing sign cabinet, components or structure, or the addition to an existing sign structure of additional cabinets or components, but not the replacement of a sign copy panel of the same size, which can be replaced without constructing, reconstruction or modification to the existing cabinet or other support members.

Sign boot or wrap. A fabric or synthetic material type sign placed or mounted over an existing sign frame or sign structure, which is stretched, laced or otherwise secured to said structure, in order to create copy or to replace any copy which may be part of the sign structure.

Sign cabinet. All portions of the sign structure which do not include support poles, support braces, support or extension arms, or decorative footers or foundations, however, an extension of the cabinet or face area of a sign, to the base of the sign, or to a point where it attaches to a wall or other structure, which retains its form in a consistent manner, or, if any copy or symbols are subsequently attached to said extansion, or, if such extension contains no visible diferenciation in size, design and/or materials, between itself and the cabinet/face area, then such area shall be considered the sign cabinet.

Sign face area. The area within a continuous perimeter enclosing the limits of writing, representation, eblem, other display, or any figure or similar character, together with any frame, material, color, or cabinet limits of the display, or used to differentiate the sign from the background against which it is placed, excluding any visible support poles, uprights, braces, brick, stone or similar foundation on which the sign cabinet is placed or mounted; provided, however, that any frame or border or open space contained within the outer limits of the display face shall be included in the computation of the area of the sign, whether this open space is enclosed or not by a frame or border. For the purposes of evaluating a proposed sign in comparison with maximum allowed face size, for projecting wall signs or double-faced freestanding signs, only one (1) side shall be measured in computing sign area, so long as the faces are parallel, or where the the interior angle formed by the faces is thirty (30) degrees or less, provided that it is a common attached structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face. Extended support structures greater than one (1) foot in diameter, shall not be considered countable face area, so long as such area is not utilized in the future for copy or symbols of any kind, whether permanent or temporary signage, and so long as there is a visible diferenciation in size, design and/or materials, between the cabinet/face area and the support(s), as is defined in . Copy printed or imprinted on awning material shall be measured by the limits of the copy and not the limits of the awning material to which it is printed. Banners and other special sign types shall be measured from top to bottom and end to end, regardless of any area which may not contain any copy.

Sign location. Any lot, premises, building, structure, wall or any place whatsoever upon which a sign is located.

Sign number. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be an individual sign. A projecting sign or freestanding sign with identical copy on both sides (faces) of the sign and such faces being back to back, or forming a "V" shape not greater than a thirty (30) degree angle, and at no point more than 36" apart, shall be construed as a single sign. For individual letters arranged on a wall to be construed as a single sign, no letters forming a word shall be greater than 60" distance from any other letters forming another word. A single wall which contains two (2) separate public entrances, separated by more than twenty-five (25') feet shall be entitled to a sign as allowed for each such entrance.

Sign Regulations or Sign Ordinance. Refers to any definitions or any other section, which may be applicable to a sign, in the LDR or Code of Ordinances for the City of Live Oak, Florida.

Sign support structure. The portion of a sign, whether visible or not, not including the cabinet itself, which is used or designated to support: a sign along with the sign cabinet which holds or contains the sign or copy panel or raceway.

Sign, Abandoned. A sign and/or sign structure which no longer correctly directs or exhorts any person, or no longer identifies a establishment, bona fide business, lessor, owner, product, good, service, or activity available on or off the premises where such sign and/or sign structure is located or which identifies a time, event or purpose that has passed or no longer applies or a sign from which the changeable letters are missing to the extent the intended message is rendered indecipherable. Signs which have been otherwise maintained, which contain content denoting availability of advertising space or availability of tenant space, are not considered abandoned. Signs located on a parcel that pertain to a structure for which a building permit has been issued within the preceding 6 months are not considered abandoned.

Sign, Animated. Any sign of which all or any part thereof visibly moves or imitates movement in any fashion whatsoever; or any sign which utilizes intermittent animated or flashing illuminating devices, which results in changing light intensity, brightness or color, or contains or uses for illumination any light(s), lighting device(s), or LED's, which emit, show or display visible light or optical spectrum, which is capable of programmed or random changing, or which changes color, flashes or alternates, shows movement or motion, or which changes the appearance of said sign or any part thereof automatically or which is constructed and operated so as to create an appearance or illusion of movement or motion. An approved and permitted, in accordance with 4.19.20.5., variable message board sign which is programmed to display changeable copy in a manner which is in compliance with 4.19.20.10 (6), shall not be construed to be animated.

Sign, Attached. An attached sign is a sign painted on or attached to the exterior face of a building or attached to a building. Attached signs include canopy signs, marquee signs, wall signs, roof signs, and projecting or hanging signs supported on or attached to a canopy, awning, marquee, or building.

Sign, Awning. Any information painted on, or imprinted on an awning.

Sign, Banner. Any sign intended to be hung either with or without frames and with or without characters, letters, illustrations or ornamentations, applied to flexible material or fabric of any kind. National flags and flags of political subdivisions, or information painted or imprinted on awnings, as defined in this article, shall not be considered banners.

Sign, Bench. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Billboard. A large outdoor advertising structure (a billing board), with available or leased advertising space or face area, typically found in high traffic areas, which presents advertisements to passing pedestrians and drivers.

Sign, Building Marker. Any sign or tablet, indicating a memorial, name or address of a building, date of erection, names of occupants, identification, address of premises, property numbers, or other non-commercial message, when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face or wall of a building.

Sign, Building. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Canopy. A sign that is part of or attached to the front or side of a canopy structure.

Sign, Changeable Copy. A non-electronic sign that is designed so that material characters, letters or illustrations can be physically changed, removed, replaced or rearranged without altering the underlying face or surface of the sign, that is designed to hold such characters. This shall also include the changing of copy on billboards. Electronically controlled variable message boards shall not be considered a changeable copy sign for the purposes of this definition. The full dimensions of a cabinet, which is capable of containing changeable copy letters, shall be utilized when calculating such sign face areas.

Sign, Commercial. One whose message concerns goods or services offered for some method of consideration by a person, partnership, entity or corporation engaged in a profit-oriented business.

Sign, Construction. Any sign giving the name or names of contractors, architects, lending institutions, or other businesses of a related nature, responsible for construction, demolition, renovation, rehabilitation or improvements, placed at a construction or other location site, that has received development plan approval or Building Official permitting.

Sign, Dilapidated. Any sign that is structurally unsound or potentially dangerous or any sign face that is illegible due to damage or lack of maintenance that is not repaired to meet City Codes within 30 calendar days after written notification to the property owner or sign owner by the Development Manager or his designee.

Sign, Directional. Signs located on and pertaining to a parcel or private property which direct and guide motorists or vehicular traffic to or from off-street parking or drives, by way of common phrases (in, enter, out, exit, parking, etc.).

Sign, Directory. A sign on which the names and locations of occupants or uses of buildings is given. This shall include: government centers, amusement parks, office buildings, commercial malls, campuses and churches.

Sign, Double-Leg Post. A freestanding sign, which is supported on either end with posts which do not exceed 6 inches by 6 inches in cross-sectional size, to which a copy panel or cabinet is attached between the posts.

Sign, Drive-thru Product Board. Any free standing sign located adjacent to a vehicular drive or customer walk-up area, to facilitate conveyance of information for patrons ordering or picking up goods, which

carries only the name of a restaurant or retail business and the current list and prices of foods, food preparations, or products available in that restaurant or retail business.

Sign, Electronically Controlled Message Center. See Sign, Variable Message Board.

Sign, Entrance. See Sign, Directional.

Sign, Externally Illuminated. A sign which has a source of artificial light directed towards it from an area adjacent to the sign structure.

Sign, Façade Wall Tower. A freestanding sign/wall structure, which associated sign copy shall be deemed as allowed under wall sign standards, subject to the following:

1. Wall signage shall be limited to being mounted on the longer side, and contained within the confines of said structure;
2. Said structure shall be located along an existing solid exterior wall containing a customer entrance point and no more than 36 inches away from said adjacent wall;
3. Said structure supports shall be fashioned and finished off in a manner that is of like-kind materials and color schemes to the adjacent wall, no higher than an additional 20% of the distance from the ground to the eve of the roof which is above the adjacent wall, and aesthetically tied to the adjacent wall with the like-kind materials and finishes;
4. The appearance and construction design of said structure shall be that it is an extension of the building, materially connected along at least 60% of the vertical length of the structure;
5. Said structure shall not impede any pedestrian or ADA access, or ingress/ egress to the building, which may presently exist along said wall;
6. No provision is made for such structures to be located in front of a column or wall supported awning, canopy or porch area, unless applied for as a freestanding sign, subject to those standards.

Sign, Flashing. See Sign, Animated.

Sign, Freestanding. Any sign which is independent from any building or other structure and is entirely supported by structures that are permanently placed in the ground with an approved foundation.

Sign, Historic. Any sign so designated by the Historic Preservation Commission or other City Department or Board which can make such a designation.

Sign, Identification. See Sign, Building Marker.

Sign, Internally Illuminated. A sign which contains an internal source of white light, which serves to illuminate from within, a static, non-electronic copy panel.

Sign, Incidental Type I Ground. A general information non-illuminated sign which has a purpose secondary to the use of the parcel on which it is located, which is self supporting by nature of its shape and weight, which is not permanently mounted in the ground, but which sits on the ground.

Sign, Incidental Type II Ground. A general information non-illuminated sign which has a purpose secondary to the use of the parcel on which it is located, which is self supporting by nature of its shape and weight, or supported by a wire frame which is inserted into the ground, which is not permanently mounted in any way, commonly referred to as “yard signs”.

Sign, Incidental Type II Wall. A general information non-illuminated sign which has a purpose secondary to the use of the parcel on which it is located, which may be permanently attached to a building or wall, but not to an existing sign structure, including but not limited to, displaying information regarding credit cards accepted, trade affiliations, business hours, telephone, self-service, etc.

Sign, Mansard. Any sign attached flat to or projecting parallel from, within eighteen (18") horizontal inches, of an actual or simulated mansard of a building, with the sign face parallel to the building surface. Since the sign is to be mounted parallel to and within the limits of the building, and not above the top portion of the roof structure at any point, it is not deemed to be a roof sign.

Sign, Monument. A freestanding sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick, stone, stucco or other masony material, or coated with a texture so as to have a stucco appearance, and with a frame within which advertising panels are contained, or a face to which advertising letters are affixed to, which has no suppoting members, columns or poles visible.

Sign, Multi-Vision. Any sign which contains a number of flat or angular rods, tubes, or prisms, standing vertical or in any other position, and kept in place by a frame in which advertising copy is painted or affixed to the rods, and the sign thereby can separately display different messages. The rods in these signs stand together and are turned simultaneously by a smooth movement at determined intervals. The advertising message on a multi-vision sign is stationary for the determined interval between changes. Included in this definition is Tri-Vision Signs.

Sign, Municipal. Any sign erected on city-owned property by or with the consent of the City of Live Oak, to promote an event, activity, item or service that is integral with the standard activities of any City Department, Division or Board.

Sign, Nameplate. See Sign, Building Marker.

Sign, Neon. Luminous-tube signs that contain neon or other inert gases at a low pressure, which when voltage is applied, makes the gas glow brightly. They are produced by the craft of bending glass tubing into shapes.

Sign, Nonconforming. Any sign as defined and described herein, or in Section 4.19 of the LDR.

Sign, Non-Commercial. Any sign that is not commercial in nature, however included are signs which do include advertising displays erected by registered non-profit organizations and signs containing political, civic, public service or religious messages.

Sign, Non-Flashing. A non-flashing sign is a sign which does not have a flashing, changing, revolving, or flickering light source or which does not change light intensity.

Sign, Off-Site. Any sign, including all billboards, which contains commercial or non-commercial advertising or on which any other matter may be displayed, depicting a business, organization, event, person, place, goods, services, or other things - not sold, located or available upon the parcel or tract or real property on which the sign is located, including signs commonly referred to as outdoor advertising, poster panels, and billboards. Such signs are further classified as off-premise signs. This term shall also include the following:

1. Billboard Extension: Any design element or embellishment of a billboard which projects beyond the regular geometric shape of the advertising surface, or one located in proximity to the sign structure;
2. Billboard Trim: Any border, frame or apron panel incorporated on or into a billboard advertising surface;
3. A billboard or other sign structure with changeable leasable advertising space, which at any time is utilized to advertise for an establishment, good or service, which currently also is located on the same parcel, shall also be construed to be an off-site sign;
4. Any materials, equipment, or product with signage attached or other forms of signage placed to be easily viewed from the right-of-way, on an undeveloped parcel of land or at a business which differs from the nature of the message of the signage, which pertains to a business, product or service owned or operated by the parcel owner, or placed on said parcel with the permission of the parcel owner, when such equipment, product or service does not exist at the same location, in conjunction with a viable and operating business location open to the public.

Sign, On-Site. An on-site sign is relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Painted Wall. A wall sign applied and created, on or to a building wall or other flat surface which required a building permit to erect, with paint and which has no separate support structure.

Sign, Permanent. A sign permanently affixed to a building or to the ground with an approved foundation.

Sign, Pole. A sign that is mounted on a visible freestanding pole, pylon, upright, brace or other support, so that the bottom edge of the sign cabinet is two and one-half (2 ½') feet or more above grade and is permanently mounted in the ground and independent of any other structure or support from any building. A pole sign whose bottom edge does not meet the two and one-half (2 ½') feet height from the grade shall be considered a monument sign and shall be required to be permanently mounted on an enclosed decorative base of brick, stone, stucco or other masony material, or coated with a texture so as to have a stucco appearance.

Sign, Portable. A sign designed or constructed in such a manner that it can be moved or relocated, with or without wheels, skids or legs, which is supported by its own frame or trailer, without involving any structural or support changes. Portable signs have no permanent below ground foundation, but are attached to or standing on a ground surface. This does not include incidental signs, side-walk, sandwich or A-Frame signs as defined herein.

Sign, Primary Street Freestanding. As may be permitted, a freestanding sign erected along, and to be primarily viewd from, the street frontage which the property owner designates as a primary street, or such a sign of permitted dimensions, located along a secondary street. Each parcel shall be allowed one sign of Primary Street Freestanding Sign proportions. A property owner may elect to erect the the one primary street freestanding sign on a secondary street, and all others, as may be allowed, shall be of Secondary Street Freestanding Sign proportions. The term primary sign is used interchangeably with this term.

Sign, Projecting. A sign, other than a wall sign, affixed to any building or wall, whose leading edge extends beyond such building or wall, designed to be visible from a point looking perpenduicular to the building frontage containing the public entrance.

Sign, Public Interest. A sign in or for the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

Sign, Publically Owned. Any sign located on property wholly owned and maintained by a public entity including: Federal, State and Local Governing Bodies, Schools, Utility Facilities and similar uses and installations, which serves to notify or direct the general public of services or activities available or conducted regarding the site where the sign is located.

Sign, Reader Board. See Sign, Variable Message Board or Sign, Changeable Copy, as applicable.

Sign, Real Estate. Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

Sign, Roof. Any sign erected, constructed, and maintained wholly upon, or over the roof of any building, or which projects above the roof line, at any point, in any amount, not to include freestanding signs which may be erected independent of a building or other structure.

Sign, Secondary Street Freestanding. As may be permitted, a freestanding sign, erected along, and to be primarily viewed from, the secondary street frontage or bordering street, or along the primary street frontage if swapped with a Primary Street Freestanding Sign. Secondary freestadning signs are always limited in face size to one-half (½) the face size, and in height to the greater of: four (4') feet or one-half (½) the height, of the allowable maximum Primary Street Freestanding Sign size, for that particular parcel. Each parcel can contain the number of Secondary Street Freestadning Signs, as is allowed according to the specified criteria in the Sign Regulations. The term secondary sign is used interchangeably with this term.

Sign, Sidewalk, Sandwich, or A-Frame. A two-sided, non-illuminated, sign which is normally in the shape of an "A", which is constructed in a manner where it can be easily manuvered, set-up, or folded down for storage in a closet, etc. This includes a sign mounted on an easel, but does not include a banner, a portable sign or an incidental sign.

Sign, Single-Leg Post. A freestanding sign, in likeness to that used commonly in real estate, which contains a single verticle pole support offset to oneside, and a shorter horizontal pole support, which together makes an upside down "L" shape, from which a sign panel is hung.

Sign, Snipe. Any sign erected without a permit, of any material whatsoever, which is attached in any way to utility pole, tree, fence, rock, post or any other similar object, whether located on public or private property.

Sign, Street Banner. Any banner sign which is stretched across and/or hung over a public right-of-way.

Sign, Structure. The total combined portions of a foundation, supports, cabinets, hardware, faces, decorative or false covers, panels, and any other applicable components, which make up a sign.

Sign, Subdivision or Development Entrance. A permanent freestanding monument style sign, or a permanent wall mounted sign which is only allowed when attached to a brick or stucco wall at the entrance of a development. Eligible developments shall be deemed any individual residential subdivision containing a minimum of 12 housing units which has a maximum of 3 ingress or egress points from public rights-of-way into the development, or an universally managed commercial, retail or office center

containing 6 or more distinct establishments, or on 2 or more acres. Such signs shall only denote the name of the subdivision or center, and shall contain no other commercial advertising or message.

Sign, Super-Primary Freestanding. A freestadning sign, as permitted herein, which serves to replace all allowed for Primary and Secondary Street Freestanding Signs, on a parcel which would otherwise be allowed multiple freestanding signs, which can exceed the maximum allowable face size by up to one and one-half (1 ½) times, but which shall not exceed the allowable height for the regular Primary Street Freestanding Sign.

Sign, Surface Area. See Sign Face Area.

Sign, Suspended. See Sign, Under Canopy.

Sign, Under Canopy. A rigid sign that is suspended from the underside of a canopy, awning, marquee, overhang, balcony, eave, soffit, trellis or ceiling or above a covered walkway or covered sidewalk, which is mounted perpendicular to the wall surface of a building, and whose copy is intended to be viewed by those who pass below it and which is not clearly visible from a public right-of-way, allowed in proximity to and along a wall surface of a building which contains a public entrance.

Sign, Unlawful or Illegal. Any sign erected without a permit, when a permit for the sign was otherwise required by the Sign Regulations or previously adopted ordinance or code; or, a properly permitted sign or an exempt or special sign, which has not been properly erected in accordance with its permit application and approved sign permit or as otherwise required by the Sign Regulations; or, an otherwise lawful and permitted sign which has become hazardous, a nuisance to the public, or otherwise prohibited by the Sign Regulations, due to poor maintenance, dilapidation, abandonment, alteration, or altered programming of an electronic nature, and so declared by the City Development Manager, Building Official or Building Official, or his or her designee.

Sign, Variable Message Board. A digital, electronic, LED or electronically programmable sign or message center, regardless of power source, which may contain L.E.D. or other methods of illumination or lighting, that provides changeable copy or changing information, via internal programming or via a centralized or remote control system, on an electronic display, screen, board or other apparatus that is capable of displaying the letters, numbers, fixed or animated images, or other similar information. Electronic sign component displays which may stay static for longer periods, for example to display fuel prices or time and temperature, shall still be considered a Variable Message Board, and shall be allowed as specified in the Sign Regulations. Included in this definition are: Changeable Electronic Variable Message Signs, Dynamic Signs, Electronic Display Signs, Graphic Display Signs, and Video Display Signs.

Sign, Wall. Any sign painted on or affixed or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building, and supported by such wall or building, extending no more than 18” beyond the wall and which displays only one advertising sign surface, which faces parallel and not perpendicular to the wall to which it is mounted.

Sign, Window. Any sign, excluding identification and incidental signs, placed inside or upon a window, and intended to be seen from the exterior or outside. The term does not include merchandise displays included inside the window.

Sign. Any letter, figure, character, mark, plane, point, marquee sign, design, poster, material, pictorial, picture, stroke, logo, symbol, identification, description, illustration, display, statue, surface, device, stripe, line, trademark, reading matter, whether illuminated or non-illuminated, which is so constructed,

placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever exposed to public view, whether or not legible, which serves to advertise, identify, inform, notify, announce, convey information or to attract public attention, which may arouse desire to purchase, invest or inquire for a good, service or other information which is being portrayed, including any device seen from adjacent property, rights-of-way or streets used by the public. For the purposes of the Sign Regulations, the term "sign" shall include all structural members. Included within the definition of sign are all of the types of signs defined in Section 2.1 and those listed in the Sign Regulations. For the purpose of removal, “sign” shall also include all signs and sign structures. A material product with no copy on it, which serves, by its recognizable shape and/or function, to communicate a product or service available, which is displayed so as to be viewed from the public right-of-way, shall be considered a sign in all aspects.

Site. See Lot.

Soil survey. The United States Department of Agriculture, Soil Conservation Service's Soil Survey of Suwannee County, Florida, or data therein.

Solid waste. Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste facilities. Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Solid waste processing plant. A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

Solid waste transfer station. A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

Special exception. The administrative process for consideration in a public hearing for a proposed use, or the expansion of an existing use, that is not appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be applied for and voted on if specific provision for such a special exception is made in these LDR.

Special impact permit. A use or activity, as provided for herein, which requires application to, recommendation, review and/or approval by: the Land Development Administrator, Planning and Zoning Board, and City Council.

Special use permit. A use or activity, as provided for herein, which requires application to, recommendation, review and/or approval by: the Land Development Regulation Administrator or City Council, and subsequent permitting by the Building Official, as applicable.

Stairway. One or more flights of stairs of two or more risers and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story of a building or structure to another level.

Start of construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date of issue. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or 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.

Storm-water. The flow of water which results from and that occurs immediately following a rainfall.

Storage yard, Outdoor. An area which is not completely enclosed within a building, as specifically allowed for in Article 4, which is in conjunction with a permitted or permissible use, to provide for storage of: functioning, licensed and movable vehicles, equipment, and machinery, and other business or construction, building or farming/agricultural related supplies.

Additionally, applies to any such fenced or partly enclosed area, which does not meet the definition of 'Minor Retail Display', which may contain new, used or reconditioned wholesale or retail goods, which are part of wholesale or retail stock. Does not provide for a wrecking yard, junkyard, scrap or salvage yard, or scrap or junk goods or materials, automotive parts yard, used tires, or unlicensed or immovable vehicles yard.

Storm-water management system. That system or combination of systems designed to treat storm-water or collect, convey, channel, hold, inhibit, or divert the movement of storm-water on, through and from a site.

Storm-water runoff. That portion of the storm-water that flows from the land surface of a site either naturally, in mandate ditches, or in a closed conduit system.

Story. That portion of a building included between the surface of a floor and the surface of the next floor above it (including [the] basement), or if there be no floor above it, then the space between such floor and the ceiling next above it. (See also Habitable story. )

Street. A public or private roadway which affords the principal means of access to abutting property. The term street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress regardless of the descriptive term used. A street may also be a primary thoroughfare with no abutting access such as limited access facilities and portions of arterials and collectors.

Street, Bordering. A public right-of-way or public street which abuts a parcel, which along the length of the lot-line, has no curb cut or curb break for vehicular ingress or egress to or from the parcel, as opposed to a Fronting Street.

Street, Fronting. See Frontage, Street or Road.

Street, Primary. A public right-of-way or public street which abuts a parcel, in which there is located, along the lot line, a curb cut or break which allows vehicular ingress or egress to or from the parcel. If the parcel fronts or borders multiple rights-of-way, the property owner can only designate one such right-of-way as the primary street.

Street, Secondary. A public right-of-way or public street, which is not the designated primary street, however which abuts a parcel, in which there is located, along the lot line, a curb cut or break which allows vehicular ingress or egress to or from the parcel.

Structural. Descriptive of any part, material or assembly of a structure or building which, in addition to its own weight, carries or supports any weight, forces, dead or designed live load played by any other associated or attached parts of the structure, and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse, fail or otherwise be affected.

Structural Alteration. The act of making any changes, repairs, replacements, or modifications to any portion or component of a structure or building, which is structural in nature, as defined herein.

Subdivider. Any person, firm, corporation, partnership, association, estate, or trust or other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including a developer or an agent of a developer.

Subdivision. The division of a single parcel of record, whether improved or unimproved, into three or more lots, parcels, tracts, tiers, blocks, sites, units, or other division of land; and includes establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Subdivision, Major. A major subdivision is a subdivision not classified as a minor subdivision, including but not limited to, subdivisions of more than ten lots or a subdivision of any size requiring a new public street or the creation of public improvements to be dedicated to the city.

Subdivision, Minor. A minor subdivision is a subdivision containing no more than ten lots fronting on an existing street and not involving a new street or the creation of public improvements to be dedicated to the city.

Substantial improvement. For a structure built prior to the enactment of these LDR, a repair, reconstruction, or improvement of a structure for which the cost equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration on a 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. A project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
2. An alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

Supervised living facility. A non-medical residential facility of two of more dwelling units providing a maximum of independent living conditions or living quarters for individuals or couples, with a minimum of custodial services, restricted to individuals who require access to services, such as daily observation of the individual residents by designated staff personnel, but not daily nursing or medical intervention. Incidental or accessory uses and/or services may include protective supervision, personal care, dining

rooms, social and recreational services, assistance with medical requirements, laundry and transportation service, private or common kitchens/dining facilities, as long as such services are provided to residents only. Included in this definition is "Independent Living Facilities".

Supplied. Paid for, furnished, provided by, or under control of the owner or operator.

Survey device. An agreement by a subdivider with the city council for the approximate amount of the estimated construction cost (or more, if specified) for guaranteeing completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

Surface water. Water above the surface of the ground whether or not flowing through definite channels, and including:

1. A natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. A natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or
3. Any wetland.

Surficial aquifer system. The permeable hydrogeologic unit contiguous with a land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks other than those of the Floridan aquifer system where the Floridan is at or near land surface. Rocks making up the Surficial aquifer system belong to all or part of the upper Miocene to Holocene Series. It contains the water table, and water within it is under mainly unconfined or locally confined conditions which prevail to its deeper parts. The lower limit of the Surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of such lower permeability. Within the Surficial aquifer system, one or more aquifers may be designated based on lateral or vertical variations on water bearing properties.

Surveyor, land. A land surveyor registered under F.S. ch. 472, as amended, and who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

**T**

To plat. To divide or subdivide land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and the recording of the plat in the office of the county clerk in the manner provided for in these LDR.

Tower site. A parcel on which a communication tower and accessory structures are located which may be smaller than the minimum size lot required for a particular zoning district.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be a temporary dwelling for travel, recreational, and vacation purposes.

Truck stop. An establishment where the principal use is the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

**U**

Unsafe building. A building or structure that has any of the following conditions such that the life, health, property, or safety of the general public is endangered:

1. The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the working stresses allowed in the city building code for new buildings;
2. Damage to a building, structure or portion thereof by fire, flood, earthquake, wind or other cause is to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than minimum requirement established by the city building code for new buildings;
3. When, for any reason, a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed;
4. When a building, structure or portion thereof is, as a result of decay, deterioration or dilapidation, likely to partially or fully collapse;
5. When a building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of city regulations;
6. When a building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or when it constitutes a fire hazard or is otherwise dangerous to human life, or when, in relation to its existing use, it constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Use. The purpose for which land or water or a structure thereon is designed, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by these LDR.

Use of land. Use of land includes use of land, water surface, and land under water to the extent covered by these LDR and over which the city council has jurisdiction.

Utilities. Utilities includes, but is not limited to, water systems, electrical power, sanitary sewer systems, storm water management systems, and telephone or television cable systems and portions, elements, or components thereof.

**V**

Valuation or value. Valuation or value of a building means the estimated cost to replace the building in kind.

Variance. A grant of relief relaxation of the terms of these LDR where such variance is not contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these LDR would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted is not termed a variance, nor does the presence of nonconformities in the same zoning or district or adjoining zoning or districts create a justification for relaxing the terms of the LDR to such a degree that an actual "zone change" may be termed a "variance".

Vehicle. A mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, bucket trucks, earth moving equipment, trailers, campers, and other similar conveyances.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

**W**

Wall face. A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

Watercourse. A 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, bank, or other discernible boundary.

Water-dependent uses. Activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation (including ports or marinas), recreation, electrical generating facilities, water supply or similar.

Water-related uses. Activities which are not directly dependent upon access to a water body but which provide goods and services directly associated with water-dependent or other waterway uses.

Water wells. Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed where the intended use of such excavation is to:

1. Conduct groundwater from an aquifer or aquifer system to the surface by pumping or natural flow;
2. Conduct waters or other liquids from the surface into an area beneath the surface of land or water by pumping or natural flow; or
3. Monitor the characteristics of groundwater within an aquifer system(s).

For purposes of these LDR, geotechnical borings greater than 20 feet in depth are included in the definition of "well."

Well-field protection area. An area of protection from certain development and/or uses around a wellhead as specified herein.

Wetlands. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress stands, cypress ponds, bay heads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes and marine meadows.

Window, Drive-Thru or Drive-Through. An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Window, Walk-Up. An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who have walked up to the building or structure from an area adjacent to the establishment.

**Y**

Yard. A required open space unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Various types of yards and lots are defined in diagrams and illustrations which follow. Required yards may be subject to adjustment by the land development regulation administrator by substituting an adjusted yard requirement, as provided for herein.

Yard, Adjusted. Instances where an existing undeveloped lot, lot proposed for redevelopment, or proposed addition to an existing primary structure, is located within a subdivision platted prior to the adoption of the 1985 LDR and/or Comprehensive Plan, upon request by the lot owner, the land development regulation administrator, after documentation of the yards provided in the surrounding (within 5 lots in any direction of the same zoning district) existing legally erected primary structures, may allow for a required yard to the primary structure be equal to the average of two or more yards found within these surrounding lots, subject to secondary approval by the city fire chief and building official. This provision is not applicable to existing or proposed detached accessory structures, attached metal carports, or other metal awning type structures.

Yard, Front. A front yard extends between parcel lot lines, bordered in part by side lot lines, across the front of a lot abutting a public street. Through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, have front yards on all frontages. Corner lots and reverse frontage lots have two front yards of the required depth, except that for residential properties, the required front yard for corner lots, for the street frontage not used for addressing, or which otherwise is not the street which the dwelling front faces, or on lots which said plat predates the 1985 Land Development Regulations which are configured or sized in a manner as to be prohibitive to development, may utilize a front yard setback required depth for one said street only, of 70% of that which is considered the standard front yard setback.

Yard, Front; minimum or maximum depth required. The required front yard depth is measured at right angles to a straight line joining the parcel lot line and the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, is assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Side. A side yard extends from the rear line of the required front yard to the rear lot line or, in the absence of a clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with a public street. Side yards of through lots extend from the required rear lines of front yards. Corner lot yards remaining after front yards have been established on both frontages are considered side yards.

Yard, Side; minimum or maximum depth required. The required side yard depth is measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear. A rear yard extends across the rear of the lot between inner side yard lines. Through and corner lots have no rear yards but only front and side yards.

Yard, Rear; minimum or maximum depth required. The required rear yard depth is measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

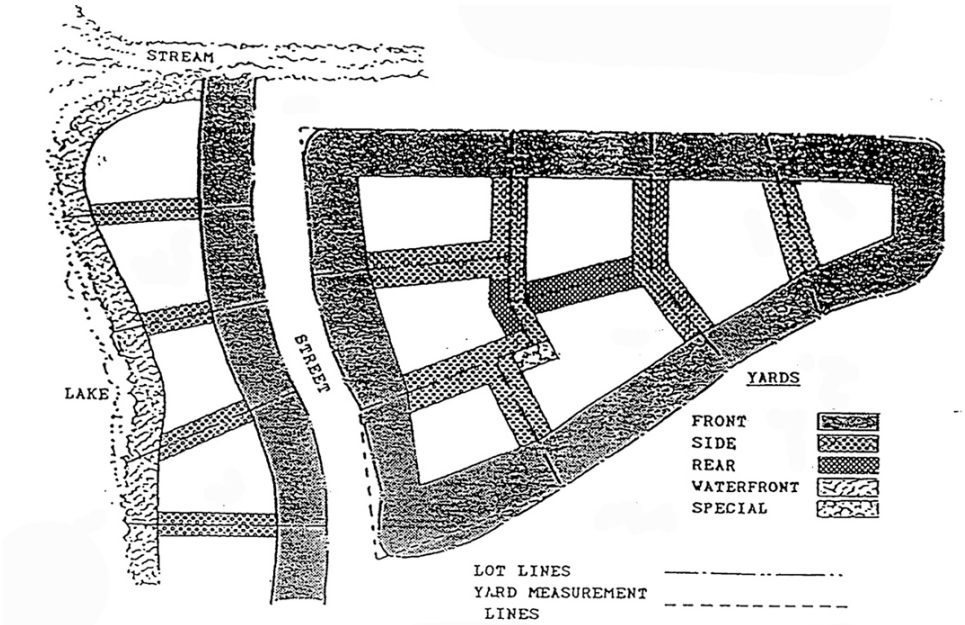
Yard, Special. A special yard occurs behind another required yard adjacent to a street which is required to perform the same functions as a side or rear yard but which is adjacent to a lot line and so placed or

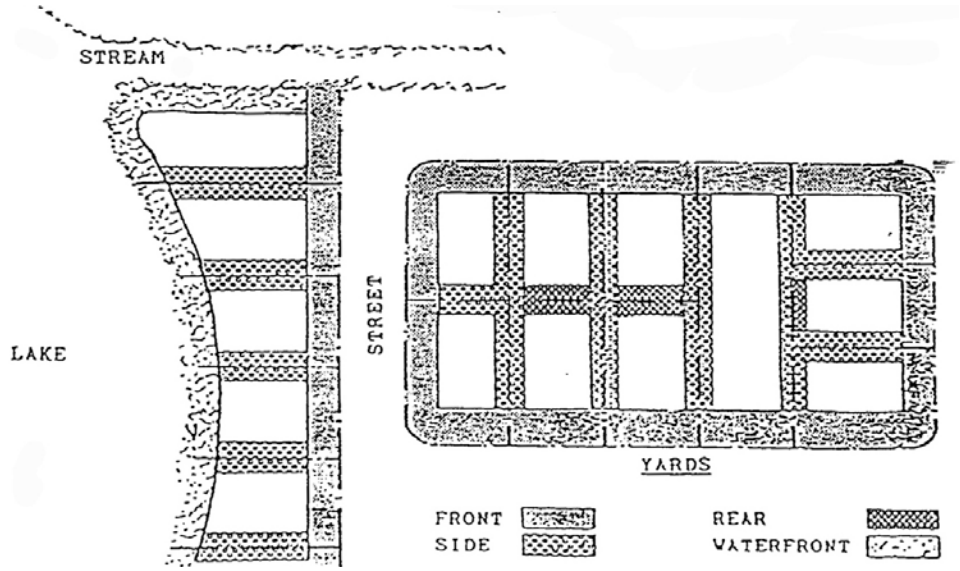
oriented that neither the term "side yard" nor "rear yard" clearly applies. The land development regulation administrator determines special yard dimensions based generally upon:

1. Side or rear yard requirements in the district;
2. The yard's relation to adjoining lots; and
3. The orientation and location of on-site structures and buildable area.

Yard sign. See Sign, Incidental Type II Ground.

Yard, Waterfront. A yard measured from and parallel to the mean high water mark of a lake, stream, or other watercourse on which the lot is located.



# ARTICLE THREE: ADMINISTRATIVE MECHANISMS AND PROCEDURES

Sec. 3.1. Administrative Bodies
Sec. 3.2. Local Planning Agency and City Council Duties
Sec. 3.3. Planning and Zoning Board
Sec. 3.4. Board of Adjustment
Sec. 3.5. Amendments
Sec. 3.6. Annexation
Sec. 3.7. Special Impact Permits
Sec. 3.8. Appeals and Interpretation
Sec. 3.9. Special Exceptions
Sec. 3.10. Variances
Sec. 3.11. Subdivision Review
Sec. 3.12. Planning and Zoning Board Site and Development Plan Review and In-House Staff Plan Review
Sec. 3.13. Historic Sites and Structures Preservation Regulations
Sec. 3.14. Hearing Procedures

## Sec. 3.1. Administrative Bodies.

The provisions of the Comprehensive Plan and the LDR shall be administered by the Planning Department of the City, staffed by the Land Development Regulation Administrator, working in conjunction with: the Live Oak City Council, Planning and Zoning Board, Board of Adjustment, and all other applicable City departments and staff, as well as public and private entities. Said staff member shall be responsible for the preparation of all Resolutions and Ordinances pertaining to said administrative mechanisms and procedures, as described herein. Additionally, where certain requirements as found herein are subjective in nature, i.e., using terminology such as: “where possible”, “adequate”, “proportionate”, “reasonable implication”, and similar terms or phrases or intents, it shall be the duty and responsibility of the Administrator, using sound and proven planning practices, based on evaluation and study of the subject property, along with similar projects within the City and in other similar cities, to determine how and to what extent or degree of implementation is required for the intent of such language to be met, so that the objectives, goals and policies of the Comprehensive Plan and Land Development Regulations are carried out.

The Land Development Regulation Administrator shall utilize, to the greatest extent possible, the provisions afforded by Section 1.7. Pro-Business and Growth Declaration, in the carrying out of his or her duties.

## Sec. 3.2. Local Planning Agency and City Council Duties.

Sec. 3.2.1. Local Planning Agency Duties.

All actions as provided for herein, including but not limited to compliance with, and/or implementation of, the requirements of the Florida Statutes, as amended, shall be the duty of the Local Planning Agency.

According to City Ordinance No. 1298, the Planning and Zoning Board, as provided for in Section 3.3., has been designated as the Local Planning Agency. The text of that ordinance is incorporated herein for reference.

Sec. 3.2.1.1. Planning and Zoning Board designated.

That, in accordance with the Community Planning Act, Chapter 163, Part II, Florida Statutes, as amended, the City of Live Oak Planning and Zoning Board is hereby established and designated as the Local Planning Agency, with also the addition of a representative of the school district, appointed by the school board, as a nonvoting member of the local planning agency, to attend those meetings at which the agency considers comprehensive amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application, and for the purposes of this Ordinance, shall hereinafter be referred to as the Local Planning Agency.

Sec. 3.2.1.2. Appropriations for expenses.

The City Council shall make available to the Local Planning Agency appropriations for expenses necessary in the conduct as Local Planning Agency work.

Sec. 3.2.1.3. Functions, powers and duties.

The functions, powers and duties of the Local Planning Agency in general shall be:

(1) To, in conjunction with the City of Live Oak Planning Department, acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of manmade and natural physical features of the areas subject to the Comprehensive Plan and Land Development Regulations, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the areas subject to the Comprehensive Plan.

(2) To, in conjunction with the City of Live Oak Planning Department, prepare, update and recommend amendments of the Comprehensive Plan to the City Council, and/or to hear and consider competent substantial evidence presented and required points, and to recommend to the City Council, through the consideration of a Resolution which shall be the official report and recommendations, for meeting present requirements and such future requirements as may be foreseen.

(3) To, in conjunction with the City of Live Oak Planning Department, recommend principles and policies for guiding action affecting development in the City.

(4) To, in conjunction with the City of Live Oak Planning Department, prepare and/or recommend to the City Council and/or to hear and consider competent substantial evidence presented and required points, and to recommend to the City Council, through the consideration of a Resolution which shall be the official report and recommendations, approval of, or denial of, proposed Land Development Regulations, land development codes, ordinances, regulations and other proposals, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(5) To, in conjunction with the City of Live Oak Planning Department, determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan and Land Development Regulations.

(6) To, in conjunction with the City of Live Oak Planning Department, conduct such public hearings as may be required to gather information necessary for the drafting, establishing and maintenance of the Comprehensive Plan, Land Development Regulations, ordinances, codes and regulations related to it and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the Plan, or for the purpose of promoting the accomplishment of the Plan in whole or part, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(7) To, in conjunction with the City of Live Oak Planning Department, conduct such public hearings as may be required to hear and consider competent substantial evidence presented and required points, and to recommend to the City Council, through the consideration of a Resolution which shall be the official report and recommendations, approval of, or denial of, proposed amendments to the Future Land Use Plan Map of the Comprehensive Plan and/or proposed amendments to the Official Zoning Atlas of the Land Development Regulations, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(8) To, in conjunction with the City of Live Oak Planning Department, make or cause to be made and necessary special studies on the location, adequacy and conditions of specific facilities which are subject to the Comprehensive Plan. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking and similar standards.

(9) To, in conjunction with the City of Live Oak Planning Department and prior to the Community Redevelopment Agency's consideration of a community redevelopment plan, review and submit written recommendations to the Agency, within 60 days of receipt, with respect to the conformity of the proposed redevelopment plan with the Comprehensive Plan for the development of the municipality as a whole, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(10) To, in conjunction with the City of Live Oak Planning Department, keep the City Council informed and advised on these matters.

(11) To perform such other duties as may be lawfully assigned to it, or as provided in state law, or which may have bearing on the preparation or implementation on the Comprehensive Plan.

All employees of the City shall, upon request and within reasonable time, furnish to the Local Planning Agency, or its agent, such available records or information as may be required in its work. The Local Planning Agency, or its agents, may in the performance of official duties, enter upon lands and make examinations or surveys in the same manner as other authorized agents or employees of the City, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Local Planning Agency.

Sec. 3.2.2. City Council Duties

All actions as provided for herein, including but not limited to compliance with, and/or implementation of, the requirements of the Florida Statutes, as amended, as well as to ensure the goals, objectives and policies of the Comprehensive Plan and LDR are carried out, shall be the duty of the City Council.

## Sec. 3.3. Planning and Zoning Board.

3.3.1. Planning and Zoning Board; organization.

3.3.1.1. Establishment.

A Planning and Zoning Board continues to be established for the City to carry out certain actions and powers as provided for in the Land Development Regulations. Pursuant to Section 3.2.1., and Ordinance No. 1298, the Planning and Zoning Board is established and designated as the Local Planning Agency. As such, certain references herein to the Planning and Zoning Board shall also apply, where applicable, to their capacity as acting as the Local Planning Agency. The resolution numbers which are considered during the public hearings shall describe in what capacity the Board is acting, with the abbreviation 'LPA' for Local Planning Agency actions, and 'PZ' for Planning and Zoning Board actions.

3.3.1.2. Appointment.

The Planning and Zoning Board seats shall consist of seven residents of the City who shall be appointed by the City Council. No member of the Planning and Zoning Board shall be a paid or elected official or employee of the City. Members of the Planning and Zoning Board shall also perform the functions of the Board of Adjustment. The terms of office of members of the Planning and Zoning Board shall run concurrently with said members' term of office as the Board of Adjustment.

3.3.1.3. Term of office.

The term of office shall be for three years; provided, however, that of the seven members first appointed to the Planning and Zoning Board, two shall be appointed for one year, two shall be appointed for two years, and three shall be appointed for three years, and that all appointments to those respective seats thereafter shall be for three years.

3.3.1.4. Removal for cause.

Members of the Planning and Zoning Board may be removed for cause by the City Council after filing of written charges, a public hearing, and a majority vote of the City Council.

3.3.1.5. Removal for absenteeism.

The term of office of any member of the Planning and Zoning Board who is absent from three consecutive, regularly scheduled meetings of the Planning and Zoning Board, may be declared vacant by the City Council.

3.3.1.6. Appointments to fill vacancies.

Vacancies in the Planning and Zoning Board membership shall be filled by appointment by the City Council for the unexpired term of the member affected. It shall be the duty of the chairman of the Planning and Zoning Board to notify the City Council within ten days after a vacancy occurs among members of the Planning and Zoning Board.

3.3.2. Planning and Zoning Board; procedure.

3.3.2.1. Rules.

The Planning and Zoning Board shall establish rules for its own operation not inconsistent with the provisions of applicable state statutes or of these LDR. Such rules of procedure shall be available in a written form to persons appearing before the Planning and Zoning Board and to the public.

3.3.2.2. Officers.

The Planning and Zoning Board shall elect from within the Board a chairman, who shall be the presiding member, and a vice-chairman, who shall preside in the chairman's absence or disqualification. The City Clerk shall serve as the secretary for the Planning and Zoning Board. Terms of all elected officers shall be for two years. Elected officers shall serve no more than two consecutive terms in the same position. Officer terms shall run August through July of the applicable calendar year.

3.3.2.3. Meetings and quorum.

The Planning and Zoning Board shall meet at regular intervals at the call of the Land Development Regulation Administrator, the chairman, at the written request of four or more regular members, or within 60 calendar days after receipt of a complete application or petition pertaining to a matter to be acted upon by the Planning and Zoning Board. Regularly scheduled meetings shall be on a day to be determined by the Planning and Zoning Board. The chairman, at the request of the City Planning Department, may change a regular meeting day, or call for a special meeting day. Four members of the Planning and Zoning Board shall constitute a quorum. Meetings of the Planning and Zoning Board shall be public. A record of its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the City Clerk.

In the event that a meeting quorum is achieved, with both the chairman and vice-chairman being absent, the City Clerk or Deputy City Clerk shall have the authority to open the meeting. Upon opening said meeting, the first order of business of the Board members in attendance shall then be to nominate and appoint a temporary chairman, which shall serve in that capacity for that single meeting.

3.3.2.4. Disqualification of members.

If a member of the Planning and Zoning Board finds his or her private or personal interests are involved in a matter before the Planning and Zoning Board, he or she shall disqualify himself or herself from participation in that case. No member of the Planning and Zoning Board shall appear before the Planning and Zoning Board as agent for any person.

3.3.2.5. Decisions.

The concurring vote of a majority of the members of the Planning and Zoning Board, who are present and voting, shall be necessary to pass any motion which is considered.

3.3.2.6. Appropriations, fees, and other income.

The City Council shall make available to the Planning and Zoning Board such appropriations as it may see fit for expenses necessary in the conduct of Planning and Zoning Board work.

3.3.3. Planning and Zoning Board; functions, powers, and duties; generally.

The functions, powers, and duties of the Planning and Zoning Board in general shall be:

1. To acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of manmade and natural physical features of the City, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the City.
2. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the Comprehensive Plan and ordinances, codes, and regulations related to it.
3. To make any necessary special studies on the location, adequacy, and conditions of specific facilities in the City. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking, and the like.
4. To recommend principles and policies for guiding action affecting development in the City.
5. To prepare and recommend to the City Council ordinances, regulations, and other proposals promoting orderly development along the lines indicated, as set forth by the Comprehensive Plan.
6. To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan and these LDR, especially relating to the management of concurrency requirements.
7. To participate in the process, whether as required by Florida Statutes, or as proposed by allowable parties, to amend and revise a Comprehensive and coordinated general Plan (the Comprehensive Plan) for meeting present requirements and such future requirements as may be foreseen, in part by reviewing and making a recommendation to the City Council on said amendments..
8. To participate in the process, whether as required by Florida Statutes, or as proposed by allowable parties, to amend and revise the text of these LDR meeting present requirements and such future requirements as may be foreseen, in part by reviewing and making a recommendation to the City Council, on said amendments.
9. To review and make a recommendation to the City Council, on proposed amendments to the future land use Plan map and/or the Official Zoning Atlas.
10. To review and make a recommendation to the City Council, on proposed Special Impact Permits.
11. To review and make a recommendation to the Board of Adjustment on petitions for Special Exceptions, if said Board of Adjustment is a separate appointed body.
12. To review preliminary plats to determine conformity with the Comprehensive Plan and these LDR, and to make recommendations to the City Council.
13. To, in conjunction with the City: LDR administrator, building Official, fire chief, public works department, and other applicable City departments; review and approve, approve with conditions, or deny, proposed site and building development, when required by these LDR to go before said Board.
14. To serve as the City's historic preservation agency to meet the requirements and carry out the policies and responsibilities of the Comprehensive Plan and of these LDR.
15. To keep the City Council informed and advised on all of these matters.
16. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan.

All employees of the City shall, upon request and within a reasonable time, furnish to the Planning and Zoning Board such available records or information as may be required in its work. The Planning and Zoning Board may, in the performance of Official duties, enter upon lands and make examinations or surveys in the same manner as other authorized agents or employees of the City, and shall have such other powers as are required for the performance of Official functions in carrying out of the purposes of the Planning and Zoning Board.

## Sec. 3.4. Board of Adjustment.

3.4.1. Board of Adjustment; organization.

3.4.1.1. Establishment.

A Board of Adjustment continues to be established for the City to carry out certain actions and powers as provided for in the Land Development Regulations. The resolution numbers which are considered during the public hearings shall use the abbreviation 'BOA' for Board of Adjustment.

3.4.1.2. Appointment.

The Board of Adjustment seats shall be the same as those appointed to the Planning and Zoning Board, with terms running concurrently.

3.4.1.3. Term of office.

The term of office shall be for three years; provided, however, that of the seven members first appointed to the Board of Adjustment, two shall be appointed for one year, two shall be appointed for two years, and three shall be appointed for three years, and that all appointments to those respective seats thereafter shall be for three years.

3.4.1.4. Removal for cause.

Members of the Board of Adjustment may be removed for cause by the City Council after filing of written charges, a public hearing, and a majority vote of the City Council.

3.4.1.5. Removal for absenteeism.

The term of office of any member of the Board of Adjustment, who is absent from three consecutive, scheduled meetings of the Board of Adjustment may be declared vacant by the City Council.

3.4.1.6. Appointments to fill vacancies.

Vacancies in the Board of Adjustment membership shall be filled by appointment by the City Council for the unexpired term of the member affected. It shall be the duty of the chairman of the Board of Adjustment to notify the City Council within ten days after a vacancy occurs among members of the Board of Adjustment.

3.4.2. Board of Adjustment; procedure.

3.4.2.1. Rules.

The Board of Adjustment shall establish rules for its own operation not inconsistent with the provisions of applicable state statutes or of these LDR. Such rules of procedure shall be available in a written form to persons appearing before the Board of Adjustment and to the public.

3.4.2.2. Officers.

The Board of Adjustment officers shall be the same as those being served under the Planning and Zoning Board.

3.4.2.3. Meetings and quorum.

The Board of Adjustment shall meet at regular intervals at the call of the Land Development Regulation Administrator, the chairman, at the written request of four or more regular members, or within 60 calendar days after receipt of a complete application or petition pertaining to a matter to be acted upon by the Board of Adjustment. Regularly scheduled meetings shall be on a day to be scheduled by the Board of Adjustment. The chairman, at the request of the City Planning Department, may change a regular meeting day, or call for a special meeting day. Four members of the Board of Adjustment shall constitute a quorum. Meetings of the Board of Adjustment shall be public. A record of its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the City Clerk.

In the event that a meeting quorum is achieved, with both the chairman and vice-chairman being absent, the City Clerk or Deputy City Clerk shall have the authority to open the meeting. Upon opening said meeting, the first order of business of the Board members in attendance shall then be to nominate and appoint a temporary chairman, which shall serve in that capacity for that single meeting.

3.4.2.4. Disqualification of members.

If a member of the Board of Adjustment finds his or her private or personal interests are involved in a matter before the Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Board of Adjustment shall appear before the Board of Adjustment as agent or attorney for any person.

3.4.2.5. Decisions.

The concurring vote of a majority of the members of the Board of Adjustment, who are present and voting, shall be necessary to pass any motion which is considered.

3.4.2.6. Appropriations, fees, and other income.

The City Council shall make available to the Board of Adjustment such appropriations as it may see fit for expenses necessary in the conduct of Board work.

3.4.3. Board of Adjustment; powers and duties.

3.4.3.1. Administrative review.

The Board of Adjustment shall have the power to hear and decide appeals, as outlined in Section 3.8.

3.4.3.2. Special exceptions.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide in specific cases such special exceptions as the Board of Adjustment is specifically authorized to consider under the terms of these LDR; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with or without appropriate conditions and safeguards, or to deny special exceptions, as outlined in Section 3.9.

3.4.3.3. Variances.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide in specific cases such variances as the Board of Adjustment is specifically authorized to consider, under the terms of these LDR; to decide such questions as are involved in the determination of when a variance should be granted; and to grant variances with or without appropriate conditions and safeguards, or to deny variances, as outlined in Section 3.10.

## Sec. 3.5. Amendments.

Amendments shall be submitted in writing to the Land Development Regulation Administrator, on forms provided by the City, accompanied by pertinent information as is required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1).

Amendments to the: text of the Comprehensive Plan and/or Future Land Use Plan Map of the Comprehensive Plan, and/or the text of the LDR and/or the Official Zoning Atlas of the LDR, may be proposed, in accordance with the applicable Florida Statutes, as amended, and as required herein. To ensure all applicable Board hearings and public advertising requirements are met; all proposed amendments shall only be accomplished by the standard amendment procedure as required herein, by proposing an amendment either to the text/map of the Comprehensive Plan, or to the text/atlas map of the Land Development Regulations, as is applicable.

Procedures shall be as follows:

Sec. 3.5.1. Initiation of amendments.

An amendment may be proposed by:

1. The City Council;
2. The Local Planning Agency;
3. The Planning and Zoning Board;
4. The Board of Adjustment;
5. A department, board, commission or other agency of the City;
6. Any person or entity, other than those listed in sub-section 1, 2, 3, 4, or 5 above; provided however, that no person, or public or private Board or entity, other than the owner(s) of record of said parcel of land, or a private agent representative which is not affiliated with the City, so designated in writing by said owner, shall propose an amendment for rezoning (Official Zoning Atlas Amendment) of a singular property he or she does not own. Proposed large scale amendments to the Official Zoning Atlas, which comprise five or more percent of the incorporated area of the City Limits at the time, may be proposed by the City Council, when carried out in a manner consistent with the Comprehensive Plan and Future Land Use Plan Map, Land Development Regulations, and applicable Florida Statutes, as amended.

Sec. 3.5.2. Amendment Procedure.

A petition for an amendment shall be submitted in writing, on forms provided by the City, to the land development regulation administrator, accompanied by pertinent information or documents as may be required for proper consideration of the matter, including but not limited to, a complete written legal description of the property, and a certified boundary survey (if not previously platted and subdivided as a lot/block) on minimum 11” x 17” sheets, along with such fees and charges as have been established by the

City Council (see article 1). In the case of a petition for an amendment to the future land use classification and/or an amendment to the Official Zoning Atlas (rezoning) of a parcel or parcels of land, the land development regulation administrator shall post one or more signs advertising the petition(s) on a prominent position on said land as required herein. The land development regulation administrator shall compile and organize all relevant information of competent substantial evidence, resolutions, ordinances and evaluations, and shall make available such documents to each Board for consideration at said public hearings. Amendments to the land use and Zoning can only be applied for when said land is wholly contained within the current incorporated City limits of the City, or after an Ordinance for annexation has been executed to include said land in the City limits.

3.5.2.1. Hearing Procedure.

A proposed amendment shall be heard in the first instance by the Planning and Zoning Board, acting in the capacity as the Local Planning Agency (LPA), pursuant to Florida Statutes, as amended. The Planning and Zoning Board shall hold a public hearing to consider the proposed amendment, pursuant to Sections 3.2., and 3.3. The Planning and Zoning Board/Local Planning Agency report and recommendation shall be made available to the City Council.

3.5.2.2. Nature and requirements of the report and recommendation.

The Planning and Zoning Board/ Local Planning Agency shall, during said public hearing, consider a resolution which becomes the report and recommendation. A motion and subsequent second to approve or to deny, with a majority vote on said resolution, shall be considered either a recommendation for approval or for denial of said proposed amendment.

In the instance of a denial, said justification shall be set by the specific citing of at least one of the applicable criteria points found in the sub-sections of 3.5.2.2., in conjunction with known or presented supporting competent substantial evidence. The Planning and Zoning Board/ Local Planning Agency shall take action on the resolution, to recommend for approval or for denial of the proposed amendment, by either making a motion for recommendation for approval, or for denial of the proposed amendment.

Instances where no such motion is made shall result in the matter being continued until the next regularly scheduled meeting of said board/agency, to give the officials an opportunity for more study and evaluation of the proposed amendment, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed amendment.

3.5.2.2.1. For an amendment to the text of the Comprehensive Plan, the report and recommendations shall show that each Board has studied and considered the proposed change in relation to the following, where applicable:

1. All comments, reports and testimony presented or received during said public hearing; and
2. Determined and found the amendment to be compatible with the Land Use Element objective and policies, and those of other affected elements of the Comprehensive Plan; and
3. Determined and found that approval of the amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.

3.5.2.2.2. For an amendment to the Future Land Use Plan Map of the Comprehensive Plan, the report and recommendations shall show that each Board has studied and considered the proposed change in relation to the following, where applicable:

1. All comments, reports and testimony presented or received during said public hearing; and

2. Determined and found the amendment to be compatible with the Land Use Element objective and policies, and those of other affected elements of the Comprehensive Plan; and
3. Determined and found that approval of the amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.
4. Any applicable points as may be found under 3.5.2.2.3., as a Future Land Use Map change is directly related to the zoning districts which would be allowable in conjunction with said Land Use Classification.

3.5.2.2.3. For an amendment to the Official Zoning Atlas of the LDR, the report and recommendations shall show that each Board has heard, reviewed and considered all comments, reports and testimony presented or received during said public hearing, and additionally, studied and considered the proposed change in relation to the following, where applicable:

1. Whether the proposed change is consistent with the City's Comprehensive Plan, or would have an adverse effect on, or would be inconsistent with the City's Comprehensive Plan;
2. Whether the proposed change is consistent or inconsistent with the existing land use or zoning pattern as may be found on abutting or surrounding properties, including the current roadway functional and development classification of roads which abut the parcel;
3. Whether the proposed change will adversely influence living conditions in the neighborhood, including infringement on, or changing the character of, an established residential neighborhood which is not designated as transitional or a designated redevelopment overlay office, institutional or commercial corridor area;
4. Whether the proposed change would result in a population density pattern which would result in an overtaxing of the load on public facilities such as schools, utilities, streets, etc.;
5. Whether the proposed change will permit more intensive uses which are likely to create or excessively increase: traffic congestion, drainage problems, light and air quality problems, or otherwise negatively affect public safety;
6. Whether the proposed location meets the required standards for the proposed zoning district, including lot size, lot width, required length of road frontage, sufficient access to properly designated road corridors, and other applicable criteria; as well as consideration given regarding the amount of developable land which is outside known or designated flood hazard areas.
7. Whether the proposed change will negatively infringe on, or change the character of, established residential neighborhoods, especially those of historical significance deemed to require preservation, or those neighborhoods which are anticipated or intended to remain residential for the ten year planning period, as demonstrated in the Land Use Element and on the Future Land Use Plan Map of the Comprehensive Plan;
8. Whether the proposed change is likely to adversely affect property values in the adjacent or neighboring areas;
9. Whether the proposed change will permit more intensive uses which are likely to be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
10. Whether the proposed change will result in the creation of an isolated district unrelated to adjacent and nearby districts, otherwise known as Spot Zoning, which is prohibited. (Certain classes of zoning, when proposed in certain high intensity use, transitional or redevelopment areas, as provided for in Article 4, or with abutting frontage on currently classified high-capacity roadway functional and development roads, and on acreage sufficient to accommodate the new allowable uses without negatively changing the character of the surrounding areas, may be proposed in a manner which would not necessarily be defined as a prohibited Spot Zoning instance);
11. Whether the proposed change is to address existing previously adopted district boundaries, possibly drawn illogically, in relation to existing conditions on and adjacent to the property proposed for change;
12. Whether there are changed or changing conditions making the passage of the proposed amendment in the best interest of the City;

13. Whether the proposed change will serve to further the policies and objectives of designated redevelopment districts within the City;
14. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare and whether there are substantial reasons why the property cannot be used in accordance with existing Zoning, or if there is a lesser intense zoning district which would meet the projected development or business needs;
15. Whether the proposed change is out of scale with the current or anticipated needs within the immediate neighborhood, adjacent areas, or the City as a whole; and
16. What the current market availability is of other adequate and already properly zoned sites in the City, for the proposed use, in districts already permitting such proposed or desired uses.

3.5.2.2.4. For an amendment to the text of the LDR: The report and recommendations shall show that each board has studied and considered the proposed change in relation to the following:

1. All comments, reports and testimony presented or received during said public hearing;
2. The need and justification for the amendment;
3. The relationship of the proposed amendment being consistent with and furthering the requirements of the Florida Statutes, and the purposes and objectives of the Comprehensive Planning program and to the City's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these LDR and other ordinances, regulations, and actions designed to implement the City's Comprehensive Plan; and
4. That approval of the proposed amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.

3.5.2.3. Status of the Planning and Zoning Board/Local Planning Agency report and recommendations.

The report and recommendations of the Planning and Zoning Board/Local Planning Agency shall be advisory and not binding upon the final action of the City Council.

Sec. 3.5.2.4. City Council; Action on the proposed amendment(s).

Subsequent to the public hearings of the Planning and Zoning Board/Local Planning Agency, the City Council shall hold public hearing(s) to consider the proposed amendment(s) in the form of an Ordinance, pursuant to procedures for adoption in Florida Statutes, as amended. In consideration of said amendment(s), the City Council shall study and consider the same criteria, as applicable, as found within the sub-sections of 3.5.2.2. The City Council shall take final action on the proposed amendment by either approving or denying the proposed amendment. Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting, to give the City Council an opportunity for more study and evaluation of the proposed amendment, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed amendment.

In the instance of a denial, said justification shall be set by the specific citing of at least one of the applicable criteria found within the sub-sections of 3.5.2.2., in conjunction with known or presented supporting competent substantial evidence. Denial of a proposed amendment at the first or second reading of the ordinance shall be considered final action of denial. In the instance of denial, the ordinance shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the City Council’s denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

In the case of a proposed amendment to the Future Land Use Plan Map and/or the Official Zoning Atlas for a parcel of land, if, during discussions and consideration by the Council at the first reading, it is mutually decided and agreed by the applicant and the City Council that the proposed classification and/or district is one which would not meet the required criteria for passage and/or adoption, but that a less intense classification or district is more appropriate, the proposed amendment application shall be considered amended, and shall be required to be re-heard by the Planning and Zoning Board/Local Planning Agency, with said additional fees for an amended application, to be paid for by the applicant, in addition to the fees already paid for submittal of the petition. The same shall apply for any similar amended application action, which is wholly applicant initiated.

Approval of a proposed amendment Ordinance at the first reading shall then require a second reading for adoption / enactment of the Ordinance, in conformance with Florida Statutes. The final version of the Ordinance passed, adopted and enacted at the second reading shall be what is legally binding, contingent on signature, or objections presented, by the Mayor, or as provided for in City Charter.

Sec. 3.5.2.5. Relationship of amendments to the Comprehensive Plan.

All proposed amendments to the Official Zoning Atlas shall be to only those districts which are allowable in the current Future Land Use classification for the parcel in question, and as further governed by standards either in the Comprehensive Plan or the Land Development Regulations, as may be applicable.

If an amendment to the Official Zoning Atlas requires the prior amendment of the City's Comprehensive Plan Future Land Use Plan Map, adopted pursuant to the Community Planning Act (F.S. Ch. 163, Part II, as amended), final action on such amendment to the City's Comprehensive Plan Future Land Use Plan Map shall be taken prior to final action on the Land Development Regulation Official Zoning Atlas amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan map amendment and a land development regulation zoning atlas amendment.

Sec. 3.5.2.6. Limitation on subsequent application.

No subsequent application by an owner of real property for an amendment to the Future Land Use Plan Map or Official Zoning Atlas for a particular parcel of property or part thereof shall be received by the land development regulation administrator until the expiration of 12 calendar months from the date of denial of a previous application for an amendment for such property or part thereof unless the City Council specifically waives said waiting period based upon:

1. The new application constituting a proposed Zoning classification different from the one proposed in the denied application.
2. Failure to waive said 12-month waiting period following a decision based upon a mistake or an inadvertence or because of newly discovered matters of consideration constituting a hardship to the applicant.

**Sec. 3.6. Annexation.**

All actions of municipal annexation or contraction shall be in conformance with Florida Statutes, as amended. A petition for annexation shall be submitted in writing, on forms provided by the City, to the land development regulation administrator, accompanied by pertinent information as may be required for proper consideration of the matter, including but not limited to, a complete written legal description and a certified boundary survey drawing on minimum 11” x 17” sheets, along with such fees and charges as have been established by the City Council (see article 1). Since lands outside the incorporated City limits are assigned ‘County’ land use classifications and Zoning districts, said petition for annexation shall also

require the subsequent filing of a petition for amendment of land use and Zoning to an applicable or proposed 'City' land use and Zoning districts, as provided for herein, and after the Ordinance for annexation has been executed. The land development regulation administrator shall post at least one sign advertising the petition for annexation on a prominent position on said land as required, and advertise the Ordinance in a newspaper legal section as required by Florida Statutes. The land development regulation administrator shall compile and organize all relevant information of competent substantial evidence, resolutions, ordinances and evaluations, and shall make available such documents to each Board for consideration at said public hearings.

No permit for site or building development can be issued until the Land Use and Zoning amendments to City classification and districts are adopted, including on lands previously annexed for which no such amendment to 'City' Land Use and Zoning has yet taken place, and until verification has been received that said parcel(s) have been coded as a City parcel for property tax purposes, with the appropriate County tax offices.

## Sec. 3.7. Special Impact Permits.

Certain activities as described below are considered special impacts, and as such require the following permit process.

### Sec. 3.7.1. Activities pertaining to the installation, removal or movement of dirt or earth:

The certified floodplain manager/administrator shall be the final authority as to the flood zone, wetland, or naturally wet status of land in the city.

All development which requires a building permit shall, as part of the permit process, be required to specify in writing to what extent, and in what quantity, any such activity will be taking place.

Commercial development for which site and development plan review takes place, and for which on-site storm-water management systems are designed and installed to local, state and federal codes, shall not be required to obtain a Special Impact Permit.

Any properties which may be in part or whole located in any flood zone, shall also be governed by any local, state or federal codes which govern floodplain management and associated standards. Where in conflict, the more restrictive provision shall apply.

Any such activity discovered by City Officials, for which no building permit would have been issued, shall be required to, upon written notice, make a written declaration to the Building Official, as to what extent, and in what quantity any such activity is being done. If the written declaration, in the opinion of the Building Official, is not sufficient to properly document the activity, he or she shall have the authority to require certified third-party verification as to the extent, and in what quantity, that said activity has or will be comprised of. The costs of producing acceptable certified third-party verification shall be borne at the expense of the property owner, and the final acceptance of such documentation shall be at the discretion of the Building Official.

Any and all material brought into the City for such purposes shall be clean, uncontaminated fill. It shall be prohibited and unlawful to deposit any fill material onto any property, which contains contaminates, hazardous materials, construction and demolition debris, any household, commercial, medical or industrial waste or trash, or any other unnatural materials which does not constitute clean fill. The Building Official shall have the authority to request third-party verification regarding the source and contents of any fill use for such purpose.

Failure to produce acceptable certified third-party verification and failure to obtain a Special Impact Permit for conducting such activities shall be a violation of these Land Development Regulations.

3.7.1.1. Parcels of land which land area is no more than 10% in a designated flood zone, wetland area, or known naturally wet area:

No mining, dredging, excavation, borrow pit operation, activity which involves the dredging or filling of land or water areas with or pertaining to any type of allowable natural materials, or any activity on any parcel of land in the incorporated City limits, which involves deposition, excavation, relocation, movement, berming or removal of dirt, earth, or any type of allowable natural materials in land or water areas, which would result in the movement, into, out of, or within, or which causes natural water flow to be blocked or diverted in an unnatural manner to, the land area, of more than 42 cubic yards of material, shall be conducted without first obtaining a Special Impact Permit for such activity from the City Council.

Any proposed fill proposed on a parcel as described under this sub-section, shall be required to be placed on that portion of the parcel which contains no flood zone, wetland area, or known naturally wet area designation. Proposed fill on that portion which falls within a designated flood zone, wetland area, or known naturally wet area, shall be as provided for under 3.7.1.2.

3.7.1.2. Parcels of land which land area is greater than 10% in a designated flood zone, wetland area, or known naturally wet area:

Subject to other requirements as found in local, state or federal regulations pertaining to such, no mining, dredging, excavation, borrow pit operation, activity which involves the dredging or filling of land or water areas with or pertaining to any type of allowable natural materials, or any activity on any parcel of land in the incorporated City limits, which involves deposition, excavation, relocation, movement, berming or removal of dirt, earth, or any type of allowable natural materials in land or water areas, which would result in the movement, into, out of, or within, or which causes natural water flow to be blocked or diverted in an unnatural manner to, the land area, of more than 10 cubic yards of material, shall be conducted without first obtaining a Special Impact Permit for such activity from the City Council.

3.7.1.3. Setup mounds for manufactured housing:

Manufactured homes proposed to be located on parcels which fall under 3.7.1.1., which are required by Florida Statutes to create an elevated mound in order to properly set-up said home, shall be allowed up to one (1) cubic yard of fill per twenty-seven (27) square feet of home solely for the purpose of the mound within the footprint of the home, before any Special Impact Permit is required, however, excluding any quantity devoted to the under-home mound, any additional fill over 42 cubic yards, which is proposed to be placed in other areas on the property, shall require the Special Impact Permit, as specified in 3.7.1.1.

For larger homes, 1,200 or more square feet in floor area, parcels located in Agricultural Zoning, or Residential parcels of one or more acres in size, the LDR Administrator may allow up to one (1) cubic yard of fill per thirteen and one-half (13.5) square feet of home for said mound within the footprint of the home.

Parcels which fall under 3.7.1.1., seeking such a mound, said proposed home and associated mound fill shall be required to be placed on that portion of the parcel which contains no flood zone, wetland area, or known naturally wet area designation.

Manufactured homes proposed to be located on parcels which fall under 3.7.1.2., are bound by the requirements as found in that sub-section.

### 3.7.2. Activities pertaining to the repair, replacement, modification or installation of septic systems for non-residential development:

Parcels of land which are determined to have no public sewer availability, and for which there is no adopted capital improvement plan to supply public sewer within 1 year of application for a development permit, may apply for a Septic Tank Special Impact Permit for the repair, replacement, modification or installation of a septic system, conditioned on all of the following:

1. The parcel of land is not located, in any portion, in a designated flood zone, wetland area, or known naturally wet area;
2. The parcel shall be a minimum of 1 acre in area;
3. The proposed building shall be no more than 3,000 square feet in size;
4. The proposed use is agricultural, mercantile, service or storage related;
5. Areas zoned Industrial or ILW, or uses such as industrial and manufacturing, educational, institutional, assembly, including but not limited to churches, day-care centers, restaurants, hotels, medical offices and facilities, multi-family, group homes, nursing homes and assisted living facilities, sports venues, and similar uses shall not be eligible for such permit.

As part of the application requirements, supporting documents and site plans shall show the proposed location of the septic system components, documentation from the Health Department that they will approve a septic permit for said use, and soil percolation reports demonstrating that the system will not need to be mounded in any way.

### 3.7.3. Application Process

Petitions for such special impact permits shall be submitted in writing to the Land Development Regulation Administrator, on forms provided by the City, accompanied by pertinent information, documentation and/or engineering as is required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see article 1).

The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review and shall erect a sign advertising the permit request on a prominent position on said land and clearly visible to the public. The Planning and Zoning Board shall hold a public hearing in accordance with Article 3 of these LDR. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the City Council. Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the City Council shall hold a public hearing in accordance with Article 3 of these LDR. At the hearing any person may appear in person or by agent. The City Council shall take final action, by a majority vote, on the permit request by approving, approving with conditions, or denying the permit request.

In the instance of denial, the official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the City Council's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting, to give the City Council an opportunity for more study and evaluation of the permit request, and to give the applicant time to produce additional relevant testimony or evidence concerning said permit request.

In addition to obtaining this permit, the applicant shall meet any additional requirements of the City, regional agencies, the State of Florida, and the United States of America. Subsequent to final approval by the Council, the Building Official may proceed with permit processing upon receipt of all required plans and documents.

**Sec. 3.8. Appeals and Interpretation.**

3.8.1. An appeal from a decision of the Land Development Regulation Administrator or Board may be taken as follows by any person aggrieved.

1. Board of Adjustment; appeals; how taken to.

    a. Appeals; hearings; notice. Appeals to the Board of Adjustment concerning: interpretation or administration of these LDR.

    An appeal under these LDR may be taken by any person aggrieved, or by an officer or agency of a government, affected by a decision of the Land Development Regulation Administrator in the carrying out of his or her specific duties pertaining to the Planning and Zoning Department, except for certain qualifying criteria under Article 4, to which an application for Variance may be applied for, as provided for herein.

    An appeal shall be taken by filing a written request with the Land Development Regulation Administrator, accompanied by pertinent information, and supporting facts and data as may be required for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1), and within 30 calendar days of the rendition of the order, requirement, decision, or determination. Before rendering a decision concerning an appeal, the Board of Adjustment shall hold a public hearing by fixing a reasonable time for the hearing, giving public notice thereof and providing due notice to the parties involved. At the hearing any party may appear in person or by agent.

    b. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the land development regulation administrator, from whom the appeal is taken, certifies to the Board of Adjustment, after the notice of appeal is filed that, by reason of facts stated in the certificate and in the land development regulation administrator's opinion, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order from a court of record, with due notice to the land development regulation administrator, from whom the appeal is taken.

    c. Decisions. The concurring vote of a majority of the members of the Board of Adjustment who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the land development regulation administrator or to decide in favor of the appellant with respect to any matter upon which it is required to interpret or pass under the terms of these LDR. Said reversal shall not be in violation of any governing provision in the Florida Statutes, as amended, or the Comprehensive Plan and/or LDR, as amended.

2. City Council; appeals; how taken to.

    a. Appeals; hearings; notice. Appeals to the City Council.

    Where the Planning and Zoning Board or that board acting as the Historic Preservation Agency is required to make a final decision, rather than an advisory recommendation, in accordance these LDR, said decisions are final, provided that a person or persons, jointly or severally, or an officer or agency of a government, aggrieved by a decision of the Planning and Zoning Board may appeal to the City Council within 30 calendar days after said decision is rendered.

    An appeal shall be taken by filing a written request with the Land Development Regulation Administrator, accompanied by pertinent information, and supporting facts and data as may be required for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1). Before rendering a decision concerning an appeal, the City Council shall hold a public hearing by fixing a reasonable time for the hearing, giving public notice thereof and providing due notice to the parties involved. The Land Development Regulation Administrator shall erect a sign advertising the appeal on a prominent position on the property in question. At the hearing any party may appear in person or by agent.

    b. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the land development regulation administrator, from whom the appeal is taken, certifies to the City Council, after the notice of appeal is filed that, by reason of facts stated in the certificate and in the land development regulation administrator's opinion, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order from a court of record, with due notice to the land development regulation administrator, from whom the appeal is taken.

    c. Decisions. The concurring vote of a majority of the members of the City Council who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Planning and Zoning Board, to decide in favor of the appellant with respect to any matter upon which it is required to interpret or pass under the terms of these LDR. Said reversal shall not be in violation of any governing provision in the Florida Statutes, as amended, or the Comprehensive Plan and/or LDR, as amended.

3. Appeals from Board of Adjustment or legislative body action; final action defined.

    a. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the Circuit Court of the County in which the property, which is the subject of the action of the Board of Adjustment, lies. Such appeal shall be taken within thirty (30) calendar days after the final action of the Board. All final actions which have not been appealed within thirty (30) calendar days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the Circuit Court.

    b. Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of the City, relating to a map amendment shall appeal from the action to the Circuit Court of the County in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) calendar days after the final action of the legislative body. All final actions which have not been appealed within thirty

(30) calendar days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the Circuit Court.

c. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearings are not required to be made parties to such appeal.

d. For the purposes of this section, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

3.8.2. Flood damage prevention regulation appeals provisions.

1. Appeals procedure.

Standing to appeal shall be limited to those property owners affected by a decision of the Building Official or Floodplain Administrator. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in a requirement, decision, or determination made in the enforcement or administration of Flood Damage Prevention Regulations of these LDR, or any Floodplain Management Ordinance as found in the Live Oak Code of Ordinances.

Such appeal shall be in written form and filed with the Land Development Regulation Administrator within 30 calendar days of the decision of the Building Official or Floodplain Administrator, along with such fees and charges as have been established for appeals by the City Council (see article 1). Such appeal shall identify the location of the property, the date of the notice of violations, and the number of such notice. The appellant shall state the modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made.

2. Decision.

The Board of Adjustment may either deny or approve the appeal. In approving the appeal, the Board of Adjustment shall consider technical evaluations, relevant factors, Building Official or Floodplain Administrator testimony, and standards specified in the LDR or Live Oak Code of Ordinances. Upon consideration of the foregoing, the Board of Adjustment may attach such conditions as it deems necessary to further the purposes of the LDR or Live Oak Code of Ordinances.

3.8.3. Code Enforcement Action Appeals

Any person who is the subject of any code enforcement action for any violations pertaining to any code, requirement or standard as found in these LDR; any appeal or relief sought shall be as that provided for in City Code Ordinance No. 1310, adopted February 14, 2012, providing for the establishment of a Code Enforcement Special Magistrate and elimination of the Code Enforcement Board.

## Sec. 3.9. Special Exceptions.

3.9.1. Board of Adjustment; powers and duties; special exceptions.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide, at an advertised public meeting, in specific cases such special exceptions as the Board of Adjustment is specifically authorized to consider under the terms of these LDR; to decide such questions

as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with or without appropriate conditions and safeguards by method of a resolution, or to deny special exceptions, as provided for herein.

The Board of Adjustment shall take action on the resolution by either making a motion for approval, approval with certain stated conditions, or for denial. In the instance of any approval, said resolution shall be signed and shall become the official record of such approval or approval with certain stated conditions.

In the instance of denial, the resolution shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the Board's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said Board, to give the Officials an opportunity for more study and evaluation of the proposed Special Exception, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed Special Exception.

The review and consideration of a Special Exception for a particular use or expansion of an existing use, does not substitute for the requirement of plan review and approval, either in-house by City staff, or City staff plus review and approval by the Planning and Zoning Board, as may be required by these LDR.

Situations where both a Special Exception and Planning and Zoning Board approval of the site and development Plans is required, applications for each may be filed concurrently, however, they shall be applied for and considered separately. Said Special Exception petition shall be heard first, and if approved, said Site and Development Plan review shall follow, once the Board of Adjustment meeting has closed, and the Planning and Zoning Board meeting opened.

The use of land and/or expansion approved by the Special Exception shall be in place, or a valid building permit shall be in force for the construction of such land use, within twelve (12) months of the effective date of the approval. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of the approval, the approval or approval with appropriate conditions and safeguards as deemed necessary, shall be thereby revoked and of no force and effect, in which case a new petition shall be required to be filed.

In the event that such Special Exception use, whether in existence prior to the adoption of the Land Development Regulations under Ordinance No. 817, or as approved by the Board subsequent to that Ordinance being enacted, is ceased and discontinued for a period of six (6) or more months, the proposed reestablishment of said use, so long as provided for in the zoning district in which it is located, shall require a new petition to be filed for consideration by the board.

Appropriate conditions and safeguards may include, but are not limited to: additional time limits within which the action for which special exception as requested shall be begun or completed, or both, special measures to buffer or lessen the impact with adjacent uses, design measures to improve the quality of the development, and/or approval only for the existing tenant or property owner, or other criteria as the Board deems necessary.

Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these LDR and punishable as provided in these LDR.

If the Board of Adjustment denies a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account factors stated within this Article, the Land Development Regulations or Comprehensive Plan, or sworn testimony of competent substantial evidence presented, as may be applicable to the action of denial, and the particular regulations or testimony relating to the specific special exception requested, if any.

The procedure for taking an appeal for a special exception denial shall be as set forth in Section 3.8.

A special exception shall not be granted by the Board of Adjustment until:

1. Written petition. A written petition for a special exception shall be submitted by the applicant, on forms provided by the City, to the Land Development Regulation Administrator, accompanied by pertinent information as may be required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1), indicating the Section of Article 4 of these LDR under which the special exception is sought.

2. Supporting Documentation. Said written petition shall also contain written supporting documentation and reports submitted by the applicant pertaining to the Special Exception, stating the grounds on which it is requested, and with particular references, statements and supporting evidence related to the types of findings which the Board of Adjustment is required to make under this article below. The petition should include material necessary to demonstrate that the grant of special exception will be in harmony with the general intent and purpose of these LDR and will not be injurious to the surrounding neighborhood or to adjacent properties or be otherwise detrimental to the public welfare.

3. Site Plan. The applicant shall also submit site plans for the proposed use. Such material shall include, but is not limited to:

    a. If the proposed use is to be within an existing building or tenant space, the applicant shall submit detailed and to-scale drawings and plans as part of the application packet, showing details of the proposed layout of the use in the space to be occupied. If available, staff can provide a copy of archived drawings and plans the city has on file pertaining to the development, in order for the applicant to mark up with any changes. If the exterior site will necessitate alterations or improvements, the applicant shall also provide a site plan, as specified herein.

    b. If the location is a vacant lot with proposed new construction, or if site alterations or improvements are sought or required by the LDR, the applicant shall also submit detailed and to-scale site and development plans as part of the application packet. These plans shall demonstrate and show, at an appropriate scale:

        (1) Proposed placement of structures on the property, provisions for ingress and egress, off-street parking and loading areas, refuse and service areas, and required yards and other open spaces;
        (2) Plans showing proposed locations for utility hook-up;
        (3) Plans for screening and buffering with reference as to type, dimensions, and character;
        (4) Proposed landscaping;
        (5) Signs and lighting including type, dimensions, and character;
        (6) Other related improvements and data/notes as are required for plan submittal to the City, or those which may be needed to bring the site up to current minimum LDR standards, as are found within these LDR.

Where these LDR place additional requirements or criteria, the petition and final plans shall demonstrate that such requirements will be met.

4. LDR Administrator Processing of Application.

A special exception request shall require full compliance with the Comprehensive Plan and Land Development Regulations standards and codes to be met or completed prior to occupancy.

In addition to standard processing of the application for a public hearing, as outlined in Sec. 3.14. Hearing Procedures, before said application is placed on an agenda before the Board of Adjustment, the LDR Administrator shall complete the following:

a. Review all submitted documents for completeness;
b. Conduct site visits and inspections of the subject property, in relation to the proposed use, to determine consistency and compliance with the Comprehensive Plan and/or all requirements which may apply, as found in the Land Development Regulations;
c. In the event deficiencies, non-conformities or code violations are discovered to be present on the site, the LDR Administrator shall notify the applicant of such, and the applicant shall then be charged with amending said supporting documents or site plans, to include references as to how said instances will be properly addressed as part of the proposed occupancy or utilization of the building or site;
d. Once it is determined that the application packet is complete and satisfactorily addresses all applicable requirements, the LDR Administrator shall prepare a staff report describing the subject and adjacent properties, and general planning considerations pertaining to the subject property and the proposed use. The staff report may also include recommended conditions for the Board's consideration;
e. The LDR Administrator may offer a recommendation to the Board for approval or denial of the request, however he/she is not required to do so.

5. Board of Adjustment Actions and Findings.

All submitted supporting documents and site plan descriptions, including those which are amended to meet applicable standards or codes, shall be binding to the applicant, and thus shall be considered automatic conditions to any approval, in addition to any appropriate conditions and safeguards which the Board may impose.

Any use approved by Special Exception shall not be commenced or established, until inspections and written sign-off has been completed by the LDR Administrator, as to the requirements or conditions being met. Additionally, said use, building and site shall also meet all federal, state and local requirements and inspections, as may be applicable.

Before a special exception is granted, the Board of Adjustment shall make a specific finding, in the form of a resolution, that it is empowered under article 4 of these LDR to grant the special exception described in the petition, and that the granting of the special exception, based on all evidence and testimony presented or heard, will:

I. Not adversely affect the public interest;
II. Further, the Board of Adjustment shall make a determination that the specific rules, codes and/or standards governing the individual special exception use and/or subject property site, if any, as

well as other applicable criteria in these LDR, have been met by the petitioner's application documents;

III. And that satisfactory provision and arrangement has been made concerning the following, where applicable:

a. 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;
b. Off-street parking and loading areas, where required, with particular attention to the items in sub-section a. above and the economic, noise, glare, or odor effects of the special exception on adjacent properties and properties generally in the district;
c. Refuse and service areas, with particular reference to the items in sub-sections a. and b. above;
d. Utilities, with reference to locations, availability, and compatibility;
e. Screening and buffering with reference to type, dimensions, and character;
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
g. Required yards and other open space;
h. Considerations relating to general compatibility with adjacent properties and other property in the district including, but not limited to, whether:
   (1) The proposed use would be in conformance with the City's Comprehensive Plan or would have an adverse effect on the Comprehensive Plan;
   (2) The proposed use is compatible with the established land use pattern;
   (3) The proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
   (4) Changed or changing conditions find the proposed use to be advantageous to the community and the neighborhood;
   (5) The proposed use will adversely influence living conditions in the neighborhood;
   (6) The proposed use will create or excessively increase traffic congestion or otherwise affect public safety;
   (7) The proposed use will create a drainage problem;
   (8) The proposed use will seriously reduce light and air to adjacent areas;
   (9) The proposed use will adversely affect property values in the adjacent area;
   (10) The proposed use will be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
   (11) The proposed use is out of scale with the needs of the neighborhood or the community.

6. Limitations on subsequent written petition for a special exception.

No subsequent written petition for a special exception for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of 12 calendar months from the date of denial of a written petition for a special exception for such property, or part thereof, unless the Board of Adjustment specifically waives said waiting period based upon:

a. The new written petition is a proposed special exception different from the one proposed in the denied written petition;
b. Failure to waive said 12-month waiting period following a decision based upon a mistake or an inadvertence or because of newly discovered matters of and consideration constituting a hardship to the applicant.

## Sec. 3.10. Variances.

3.10.1. Board of Adjustment; powers and duties; variances.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide, at an advertised public meeting, in specific cases such variances as the Board of Adjustment is specifically authorized to consider under the terms of these LDR; to decide such questions as are involved in the determination of when variances should be granted; and to grant variances with or without appropriate conditions and safeguards by method of a resolution, or to deny variances, as provided for herein.

The Board of Adjustment shall take action on the resolution by either making a motion for approval, approval with certain stated conditions, or for denial. In the instance of any approval, said resolution shall be signed and shall become the official record of such approval or approval with certain stated conditions.

In the instance of denial, the resolution shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the Board's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said Board, to give the Officials an opportunity for more study and evaluation of the proposed variance, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed variance.

The review and consideration of a variance, does not substitute for the requirement of plan review and approval, either in-house by City staff, or City staff plus review and approval by the Planning and Zoning Board, as may be required by these LDR. Situations where both a Variance and Planning and Zoning Board approval of the site and development Plans is required, applications for each may be filed concurrently, however, they shall be applied for and considered separately. Said Variance petition shall be heard first, and if approved, said Site and Development Plan review shall follow, once the Board of Adjustment meeting has closed, and the Planning and Zoning Board meeting opened.

Once a variance has been approved, the allowances for such shall remain in full force and effect so long as the type of use considered for said variance is in place. If a new differing use is proposed or established, and the criteria which applies is different, for example parking standards, the new use shall be bound by the adopted standards which apply as found in the LDR, and any relief previously granted shall not apply. Said new differing use may apply for a variance for their situation, and said request shall be considered as provided herein, however, any previous approval for the same location shall not bind the Board to make the same or similar findings, as may have been previously instituted.

3.10.2. Variances to Article 4, Zoning Regulations.

The Board of Adjustment shall have the power to authorize, upon petition, such variance from certain terms of Article 4 of these LDR, as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of certain provisions of these LDR would result in unnecessary and undue hardship on the land.

Not all portions of these LDR provide for variances to the requirements contained therein. This is due to the inappropriateness of granting variances in specific regulations, including but not limited to, the use of

land, hazardous building requirements and historic site designation. Variance provisions shall be eligible for consideration when there is a specific written standard for development in Article 4, which the applicant is not able to meet in full, however with adjustment, would then be able meet said standard in part. Unless specifically provided for, no other Articles of the LDR, or City Codes of Ordinances shall be eligible for consideration of a variance for standards or requirements therein, unless specifically provided for therein.

In granting a variance to certain provisions of Article 4 of these LDR, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with such regulations, or may choose to grant a lesser variance than that requested, based on terms the Board deems appropriate or necessary. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these LDR.

Under no circumstance shall the Board of Adjustment grant a variance to permit a use not listed as a permitted use under the terms of these LDR in the Zoning district involved, or any use expressly or by implication, prohibited by the terms of these LDR in the Zoning district. No nonconforming or existing use of neighboring lands, structures, or buildings in the same Zoning district, and no permitted or existing use of lands, structures, or buildings in other Zoning districts, shall be considered grounds for authorization of a variance. The procedure for taking an appeal for a variance shall be as set forth in this article. In addition, a variance shall not be granted by the Board of Adjustment unless and until:

3.10.2.1. Written petition.

A written petition for a variance shall be submitted by the applicant, on forms provided by the City, to the Land Development Regulation Administrator, accompanied by pertinent information as may be required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1), indicating the Section of Article 4 of these LDR from which the variance is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the Board of Adjustment shall make under Section 3.10.2.2 below.

3.10.2.2. Findings.

In order to authorize a variance from the terms of these LDR, the Board of Adjustment is required to find, by way of a resolution:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. Granting the variance requested will not confer on the applicant a special privilege that is denied by these LDR to other lands, buildings, or structures in the same Zoning district;
4. Literal interpretation of the provisions of these LDR would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning district under the terms of these land development and would work unnecessary and undue hardship on the applicant;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,
6. The grant of the variance will be in harmony with the general intent and purpose of these LDR, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

3.10.2.3. Limitations on subsequent written petition for a variance.

No subsequent written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of 12 calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the Board of Adjustment specially waives said waiting period based upon:

1. The new written petition constituting a proposed variance different from the one proposed in the denied written petition; and,
2. Failure to waive said 12-month waiting period following a decision based upon a mistake, an inadvertence or because of newly discovered matters of and consideration and constituting a hardship to the applicant.

**Sec. 3.11. Subdivision Review (see Article 5).**

**Sec. 3.12. Planning and Zoning Board Site and Development Plan Review and In-House Staff Plan Review.**

Any use, structure or site development, pertaining to a use, structure or development more intense than one single-family residence on a single lot, and/or one duplex on a single lot, is deemed to be commercial in nature. All such uses, structures or site developments, whether principle, by special exception or accessory in nature, when such is proposed to be established, re-established, redeveloped, expanded or altered, shall require commercial site and development Plan review and approval as provided for herein; and when applicable, shall be subject to compliance with all the criteria as listed in Article 4.

This does not preclude any use, structure or site development proposed, whether residential or commercial, from also being subject to other requirements and separate review, as found: herein, in the City Code of Ordinances, in the Florida Statues, in the Federal Statutes, or as required by the Building Official, Public Works Director, Fire Chief or any other departments or agencies which have authorized standing.

Non-commercial development may also be required to submit plans for review, as may be deemed required by the Land Development Regulation Administrator, Building Official, Public Works Director, Fire Chief, or designees.

Any commercial or non-commercial development, which has been previously reviewed and approved by method of plans which are on file in the archives of the City, or plans or records with any other regulatory agency or department which has statutory or rule purview, shall not alter any aspects of said development, buildings, site, fencing, buffering, landscaping, parking, signage, infrastructure, retention, drainage or any other aspect of previously documented, reviewed and approved improvements, unless and until revised plans have been submitted to the City, and all reviews, approvals and necessary permitting has been accomplished pertaining to any such alterations.

Requirements and standards which were reviewed and approved on archived plans, which are applicable to the Comprehensive Plan and/or Land Development Regulations, which are altered without revised plans being submitted, reviewed, approved and permitted as required, shall be deemed a violation of the Land Development Regulations, and subject to enforcement as provided herein, and pursuant to Florida Statutes, as amended; other such alterations for other codes and ordinances shall be enforced as provided by Florida Statutes, as amended.

In addition to City Department in-house plan review and approval, such uses, structures and site developments, as defined below, shall also go before the Planning and Zoning Board, in a public hearing setting, for comment, consideration, review and possible: approval as proposed, or approval with conditions stated as appropriate, or denial:

1. On an unimproved lot – New proposed commercial construction resulting in 20,000 or more square feet of total building or structure footprint, or, any site development proposed on a parcel two (2) or more acres in size.
2. For commercial redevelopment of a previously improved lot, proposed demolition and/or new additions or construction resulting in 20,000 or more square feet of new building or structure footprint, or, any site development which will alter two (2) or more acres of land.

The Planning and Zoning Board shall consider such Plans as a condition precedent to the issuance of building permits by the Building Official.

3.12.1. Contents.

All submitted Plans shall contain standard building plan information as required by these LDR, the Development Manager, the Building Official, the Fire Chief, and other applicable City departments. The Land Development Regulation Administrator shall make brochures available to the public which summarize the required standard contents of plans. Additional information regarding required contents shall also be provided by other applicable City departments, upon request of any developer. Special situations may require additional contents, on a case-by-case basis, and will be communicated to the developer upon staff finding the necessity.

3.12.2. Procedure.

All commercial projects, whether reviewed in-house and/or in conjunction with review by the Board, shall be subject to the following Plan submittal criteria. Complete sets of such site and development Plans shall be submitted to the Land Development Regulation Administrator, together with the payment of such reasonable fees as the City Council may determine in accordance with Article 1, as follows:

1. The Land Development Regulation Administrator, and/or Building Official, as applicable, shall deem when plans must be engineered.
2. When engineering is required, the plans shall signed and sealed by an architect or engineer licensed in the State of Florida, otherwise, any other submitted plans shall still be required to be to scale, and with sufficient information and detail shown for a proper assessment to be made, IE: proposed small-scale improvements drawn in on an existing professional survey of the property, or on a previously reviewed and approved site plan on file with the City.
3. Site redevelopment on no more than one acre of land, building additions of no more than 1,000 square feet, and all signage plans, may be submitted on plans sized at 11” x 17”.
4. Redevelopment on more than one acre of land, building additions of more than 1,000 square feet, and all new construction, shall be submitted on plans sized at 24” x 36”.
5. All plans must be scaled between 1” = 10’ and 1” = 50’.
6. If 11” x 17” plans are allowable, two (2) complete paper sets shall be submitted.
7. If 24” x 36” plans are required, two (2) complete paper sets, and one (1) electronic pdf set on CD shall be submitted.

The Land Development Regulation Administrator, Building Official and other City departments shall then review the proposed Plans, make site visits to the subject property as needed, and review the Zoning of the parcel, to determine conformance and compliance with these LDR.

Upon preliminary review and approval by the City departments, with addendums or corrections as needed, the request, if required to go before the Planning and Zoning Board, shall then be placed on the agenda of the next scheduled meeting of the Planning and Zoning Board.

3.12.3. Planning and Zoning Board action on site and development plans.

When Planning and Zoning Board review is required by these LDR, the Land Development Regulation Administrator shall forward the application for site and development plan approval, including a copy of the plans, along with staff's comments, to the Planning and Zoning Board for consideration.

The Planning and Zoning Board shall handle such matters in a public hearing as part of a previously prepared agenda. Matters relating to Planning and Zoning Board consideration of site and development plans shall be a public record. Board review and approval does not supersede any specific standard or requirements as found in the LDR. If amendments to the plans are required by City staff, or proposed by the developer after Board review and approval, it shall be at the discretion of the Land Development Regulation Administrator to determine if the changes are substantial, and thus require another hearing before the Board for further consideration and re-approval.

The Planning and Zoning Board shall have the power to hear and decide, at an advertised public meeting, in cases as the Planning and Zoning Board is specifically required to consider under the terms of these LDR; to decide such questions as are involved in the determination of their review; and to make a final determination pertaining to the request, by method of a resolution, as provided for herein.

The Planning and Zoning Board shall take action on the resolution by either making a motion for approval, approval with certain stated conditions, or for denial. In the instance of any approval, said resolution shall be signed and shall become the official record of such approval or approval with certain stated conditions.

In the instance of denial, the resolution shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the Board’s denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said Board, to give the Officials an opportunity for more study and evaluation of the proposed site and development plans, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed site and development plans.

The Planning and Zoning Board may also, after hearing a petition in said public hearing, continue a petition to a future meeting to give Board additional time for study or the developer time to revise the Plan documents as requested.

A petition for a Zoning amendment and an application for site and development plan approval shall not be handled concurrently. Rather, an application for site and development plan approval shall be heard only after the applicant has secured the appropriate Zoning on the subject parcel.

In reaching its decision, and/or in conducting review and approval, the Planning and Zoning Board, shall be guided by the following standards, along with any other applicable criteria as found in these LDR, and shall show in its record that each was considered where applicable:

1. Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the City Council;
2. Density and/or the intended use of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect on those properties and relationship to the City's Comprehensive Plan;
3. Ingress and egress to the development and proposed structures on the development, with particular reference to automotive and pedestrian safety, minimization of marginal friction with free movement of traffic on adjacent streets, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services, utilities and refuse collection, and access in case of fire, emergency, or catastrophe;
4. Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening. Required landscaping must meet the intent of these LDR, including the required percentage of grass, in conjunction with the required number of trees, to include supplementation of the trees by a proportionate number of Plants, shrubs, groundcover, and landscaped areas, including landscaped islands located within the interior of the off-street parking areas;
5. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses internal and external to the proposed development;
6. Manner of storm-water management including the effects upon adjacent properties and the consequences of such storm-water management on overall public storm-water management capacities;
7. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities;
8. Utilities with reference to hook-in locations and availability and capacity for the uses projected;
9. Recreation facilities and open spaces with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community open spaces and recreational facilities;
10. General amenities and convenience with particular reference to ensuring the appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and not be in conflict with other development in the area as to cause substantial depreciation of neighboring property values; and,
11. Such other standards as may be imposed by these LDR on the particular use or activity involved.

3.12.4. In-house staff plan review and issuance of building permits.

Formal City department plan review for all submitted plans shall commence, either after the approval or conditional approval by the Planning and Zoning Board, or at the time of submission, when no Board review and approval is required. The Land Development Regulation Administrator shall be guided in his or her review by all applicable standards and requirements as found in the Comprehensive Plan and/or Land Development Regulations, as may be applicable.

As reviews take place, City staff shall communicate their findings with the design professionals to ensure all requirements are met. Site-plans which are found to be insufficient in demonstrating compliance to the Comprehensive Plan or Land Development Regulations shall be required to be amended and re-submitted to City staff for re-review. Other building plan elements and contents which are not site-plan related, shall be as required by the applicable City department conducting the review.

Upon the approval by all City staff departments conducting in-house review, and upon receipt of all required Plans and documents, including those which may be needed to address special conditions imposed by the Board, building permits for the proposed development can then be applied for to the Building Official.

The development shall be built substantially in accordance with the approved site and development plan. Proposed changes after such approval shall be submitted to the Land Development Regulation Administrator for a determination as to whether a substantial change or deviation from that shown on the approved site and development Plan exists.

If the administrator so determines that the changes are substantial, the owner/applicant or his or her successors, shall re-submit new plans for consideration, as specified and required herein. Proposed site and development projects approved by the Planning and Zoning Board, and/or the City, for which no permit is secured by the applicant within twelve (12) calendar months from the date of the hearing and/or approval by City staff, shall be considered a substantial change and shall require re-submittal to the Board and/or City departments.

Approved projects for which a permit is purchased, construction shall be initiated within six months of purchase and shall be completed as required by the Building Official, however, no later than twenty-four months after approval by the Board and/or City departments. Failure to do so shall be considered a substantial change and shall require re-submittal to the Board and/or City departments for consideration or re-review.

Phased construction which cannot be completed within twenty-four months of Board and/or City department approval, shall also be considered a substantial change, and shall require re-submittal to the Board and/or City departments for consideration and re-review of the phase(s) not completed. Failure to submit such amended site and development plans for determination by the Land Development Regulation Administrator that a substantial change or deviation is occurring or has occurred, prior to such changes, shall constitute a violation of these LDR and shall be punishable as provided in these LDR.

Any project elements, requirements or standards from a prior phase or development on the property which are found not to meet applicable adopted requirements or standards, or which did not achieve prior final approval or acceptance, either by City departments, or other regulatory agencies, said deficiencies shall be required to be remedied, satisfied, approved and accepted prior to any new plan review application or plans being accepted for review for any new proposed development or phasing.

Final inspections shall be required by the Land Development Regulation Administrator, Building Official, Public Works Director, Fire Chief and any other applicable City department.

No certificate of occupancy for any development shall be issued until all proposed improvements as shown on the approved plans are found to be in place and fully completed, inspected, approved and signed off by all associated departments. A certificate of completion issued by the Building Official for certain portion(s) of the construction does not constitute final approval, and in no manner may the premises be occupied and opened to the public prior to the official certificate of occupancy being issued for the entire site and all approved improvements thereon.

3.12.5. Inspection and acceptance of improvements for public dedication.

Any proposed improvements which are to be constructed by the developer, to serve said commercial development, which are then intended to be dedicated to the public for City ownership and maintenance, shall conform to all applicable sections of these LDR, and in addition:

1. Construction Plans for said improvements shall be submitted for review and approval in the same format as required by this Section 3.12.
2. Said Plans shall be reviewed by all City departments.
3. Prior to, during and after construction, and at the expense of the developer, a third party engineering firm unaffiliated with the developer, and of the City's choosing, shall review, inspect and approve all Plans, test results and actual work.
4. No improvements to be dedicated to the public ownership for City maintenance shall be presented to the City Council for acceptance until all City departments and the third-party engineer has signed off and approved the completed improvements, and certified as-built plans are received by the City. Said third-party firm shall also certify that all remittance has been received satisfactorily from said developer, pertaining to the fees for inspection and certification.
5. No certificate of occupancy shall be issued for any structure that is served by said improvements until final approval and acceptance by the City Council has taken place.
6. Acceptance by the City Council shall be in the form of the passage of a Resolution to that effect, that all improvements have been inspected, certified and approved by all required parties, and that required maintenance bonds have been posted, and that the developer shall be responsible for any required maintenance and repairs to said improvements, for a period of 365 days, beginning from the date of passage of said Resolution.

## Sec. 3.13. Historic Sites and Structures Preservation Regulations.

Sec. 3.13.1. Planning and Zoning Board designated as the Historic Preservation Agency.

The City Planning and Zoning Board shall serve as the City Historic Preservation Agency (hereinafter referred to within this section as 'agency' or 'the agency') to meet the requirements and carry out the responsibilities of this article.

These regulations shall apply to any site, property or structure so designated, as found in the City of Live Oak Comprehensive Plan, and as enumerated in Appendix A of the same, under Historic Resources. The designation of a building shall also include the property site where said building is located. The term landmarks and landmark sites herein shall mean those sites, properties or structures as so designated as historic resources.

Sec. 3.13.2. Powers and duties of the agency.

In addition to the powers and duties stated within these LDR, the agency shall take action necessary and appropriate to accomplish the purposes of this article. These actions may include, but are not limited to:

1. Survey and inventorying historic buildings and areas and archeological sites and developing or reviewing the plans for their preservation;
2. Recommending the designation of historic districts and individual landmarks and landmark sites;
3. Regulating alterations, demolitions, relocations and new construction to designated property;
4. Adopting guidelines for changes to designated property;
5. Working with and advising the federal, state and other appropriate governmental agencies and other agencies or Boards of local government;
6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;
7. Undertaking educational programs which contribute to the awareness of the preservation of historic sites and structures; and,
8. Reviewing applications for historic designation.

Sec. 3.13.3. Application requirements for designation.

Consideration to designate a structure, a premises or an area as a landmark, landmark site or a historic district is initiated by the filing of an application by the City Council, Historic Preservation Agency or any person; provided, however, that no such person shall propose a designation of a structure, premises or an area as a landmark, landmark site or a historic resource, which he or she does not own except as agent or attorney for a property owner, or without the notarized signatures granting approval of such by all owners of said property. The applicant completes the form provided by the Land Development Regulation Administrator and submits:

1. A written description of the architectural, historical, or archeological significance of the proposed historic site or district, specifically addressing those related points contained in the criteria found within this article for the designation of such property;
2. Dates of construction of the structures on the property and the names of former owners;
3. Photographs of the property;
4. Legal description and map of the subject property. An application for the designation of a historic district also requires;
5. Evidence of approval from two-thirds of the property owners within the district; and,
6. A written description of the boundaries of the district.

The Land Development Regulation Administrator shall determine the completeness of an application and may request additional information. An application for such designation is considered as an application for amendment to the historical resources map of the City's Comprehensive Plan and to the Official Zoning Atlas.

Sec. 3.13.4. Public hearings for designations.

Following submission of a completed application, the agency shall review it and conduct a public hearing on the proposed designation. Notice of the public hearing and notice to the owner shall be given in accordance with F.S. ch. 163, part II, as amended, and these LDR.

Sec. 3.13.5. Criteria for designation of property.

The agency shall recommend the designation of the property as a landmark, landmark site, or historic district after a public hearing and based upon one or more of the following criteria:

1. Its value is a significant remainder of the cultural or archeological heritage of the City, County, state or nation;
2. Its location is a site of a significant local, state, or national event;
3. It is identified with a person or persons who significantly contributed to the development of the City, County, state, or nation;
4. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, County, state, or nation;
5. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
6. It has distinguishing characteristics of an architectural style value for the study of a period, method of construction, or use of indigenous materials;
7. Its character is a geographically definable area possessing a significant concentration or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and,

8. Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

Sec. 3.13.6. Agency recommendation.

After evaluating the testimony, survey information and other material presented at the public hearing, the agency shall make its recommendation to the City Council that the application be approved or denied. A recommendation for approval shall carry with it the agency's explanation as to how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. A recommendation for denial shall carry a similar explanation supporting that position.

Sec. 3.13.7. City Council decision.

The City Council shall approve or deny the proposed designation as an amendment to the City's historic register, which shall be included within the Comprehensive Plan and these LDR.

Sec. 3.13.8. Successive applications.

Upon denial of the application for designation, there shall be a 12-month waiting period before an applicant may resubmit the proposal unless the agency waives said waiting period based upon consideration of the following factors:

1. New evidence is presented bearing upon the subject matter of the written petition which could not reasonably have been presented to the agency at the time of the previous hearing; or
2. Failure to waive said 12 months' waiting period constitutes a hardship to the applicant in situations involving a mistake or inadvertence.

Sec. 3.13.9. Amendments.

The designation of a landmark, landmark site, or historic district may be amended through the same procedure used for the original designation.

Sec. 3.13.10. Application for alterations to landmarks and landmark sites.

3.13.10.1. Certificate of appropriateness.

No person may undertake the following actions affecting a designated landmark or landmark site without first making application to and obtaining a certificate of appropriateness from the agency:

1. Alteration of an archeological site;
2. Alterations or additions of/to any exterior part or premises of a building, site or structure;
3. New construction;
4. Demolition; or
5. Relocation.

3.13.10.2. Review of application for a certificate of appropriateness.

Review of any of the actions as specified herein to designated sites, buildings or structures shall be limited to exterior alterations or changes. The Building Official is authorized to issue a stop work order on any alteration, new construction, demolition or relocation undertaken on a designated landmark or a designated landmark site without a certificate of appropriateness.

A certificate of appropriateness is in addition to any other plan review and building permits required by law. The issuance of a certificate of appropriateness from the agency does not relieve the property owner of the duty to comply with other state and local laws and regulations. Ordinary repairs and maintenance otherwise permitted by law may be undertaken on a designated landmark or a designated landmark site without a certificate of appropriateness, provided this work does not alter the exterior appearance of the building, structure, premises, or archeological site, or alter any elements significant to its architectural or historic integrity. Prior to commencing any work, the Land Development Regulation Administrator and Building Official must be made aware so that review can be conducted to determine what will be required.

A certificate of appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this article is not effective for a period of 15 days subsequent to the agency's decision. If during that 15-day period an appeal is made to the City Council, the decision of the agency is automatically stayed pending City Council review.

3.13.10.3. Application procedure for certificate of appropriateness.

Such requests shall be submitted in writing to the Land Development Regulation Administrator, on forms provided by the City, accompanied by pertinent information as is required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1).

The application shall at a minimum include the following supporting documents:

1. Drawings of the proposed work;
2. Photographs of existing buildings or structures and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator determines when an application is complete and may require additional information when such application is determined to be incomplete.

The Land Development Regulation Administrator shall forward to the agency each application that proposes an alteration, new construction, demolition or relocation affecting a landmark or a designated landmark site.

3.13.10.4. Public hearings for certificates of appropriateness.

The agency shall have the power to hear and decide, at an advertised public meeting, in specific cases as the agency is specifically required to consider under the terms of these LDR; to decide such questions as are involved in the determination of their review; and to make a final determination pertaining to the request.

The agency shall hold a public hearing on each application for a certificate of appropriateness in accordance with Article 3. The agency shall approve, approve with certain stated conditions, or deny each application based on the criteria contained in this section. A motion, second and majority vote shall be the method utilized for final action of the agency.

In consideration of an application for a certificate of appropriateness for alterations, new construction, demolition, or relocation, the agency shall examine the following general issues:

1. The effect of the proposed work on the landmark or property;

2. The relationship between such work and other structures on the site;
3. The extent to which the historic, architectural or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected;
4. Whether or not denial of a certificate of appropriateness would deprive the property owner of reasonable beneficial use of his or her property; and
5. Whether the plans may be reasonably carried out by the applicant.

In the instance of an approval, or approval with certain stated conditions, the Land Development Regulation Administrator shall prepare a signed Certificate of Appropriateness which shall specify all applicable information pertaining to the final action of the agency, and which shall be the official record of said action.

In the instance of denial, the official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the agency's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said agency, to give the agency an opportunity for more study and evaluation of the request, and to give the applicant time to produce additional relevant testimony or evidence concerning said request.

The agency may also, after hearing a request in said public hearing, continue the request to a future meeting to give the agency additional time for study or the applicant time to provide additional information or to revise the request.

No certificate of appropriateness for demolition shall be issued by the agency until the applicant has demonstrated that no feasible alternative to demolition can be found. The agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition and shall study the question of economic hardship for the applicant and determine whether the landmark can be put to reasonable beneficial use without approval of the demolition application.

In the case of an income-producing building, the agency shall also determine whether the applicant can obtain a reasonable return from the existing building. The agency may ask an applicant for additional information including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the agency shall deny the demolition application. The agency may grant a certificate of appropriateness for demolition even though the designated landmark or landmark site has reasonable beneficial use if:

1. The agency determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark; and
2. The agency determines that the demolition of the designated property is required by a Community Redevelopment Plan or the City's Comprehensive Plan.

## Sec. 3.14. Hearing Procedures.

3.14.1. General.

This section applies to any instance where a public hearing is required by these LDR. There is a difference, as noted in the City's citizen participation procedures in conjunction with the Comprehensive Planning program, between workshops, public hearings and public meetings as well as a difference between meetings conducted by City staff and those conducted by the City advisory Boards and City Council. This section incorporates the City's citizen participation procedures in conjunction with the Comprehensive Planning program by reference and provides more specific requirements for hearing procedures and public notification. All public hearings, where applicable, shall be in conformance to the Florida Statues, as amended.

3.14.2. Hearings before the Board of Adjustment.

1. Before making a decision on a petition for a variance, special exception, or appeal from a decision of the Land Development Regulation Administrator, the Board of Adjustment shall hold a public hearing on the appeal or application;
2. Subject to sub-section 3., the public hearing shall be open to the public, and persons interested in the outcome of the appeal or application shall be given an opportunity to comment and/or present competent substantial evidence, and ask questions of persons who testify;
3. The Board of Adjustment may place reasonable and equitable limitation on the presentation of evidence and arguments, and the cross examination of witnesses, so that the matter at issue may be heard and decided without undue delay;
4. The Board of Adjustment may continue a hearing until a subsequent meeting and may keep a hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six calendar weeks or more elapses between hearing dates.

3.14.3. Hearings before the Planning and Zoning Board, Local Planning Agency and the City Council.

1. Before making a recommendation or decision, the Planning and Zoning Board, Local Planning Agency or the City Council, as applicable, shall hold a public hearing on the application;
2. Subject to sub-section 3., the public hearing shall be open to the public, and persons interested in the outcome of the application shall be given an opportunity to comment and/or present competent substantial evidence, and ask questions of associated parties;
3. The Planning and Zoning Board, Local Planning Agency and the City Council may place reasonable and equitable limitation on the presentation of evidence and arguments, so that the matter at issue may be heard and decided without undue delay;
4. The Planning and Zoning Board, Local Planning Agency and the City Council may continue a hearing until a subsequent meeting and may keep a hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six calendar weeks or more elapses between hearing dates.

3.14.4. Notice of hearing.

3.14.4.1. When notice is required by the Florida Statutes, as amended, or by these LDR, the Land Development Regulation Administrator shall give notice of a required public hearing as follows:

1. An application requiring a public hearing before the Planning and Zoning Board or Board of Adjustment shall be noticed once in the legal section of a newspaper of general circulation in the area, at least ten days prior to the hearing;
2. A Special Impact Permit requiring a public hearing before the City Council shall be noticed once in the legal section of a newspaper of general circulation in the area, at least ten days prior to the hearing;
3. An amendment as provided for herein, considered by method of an Ordinance, requiring a public hearing before the City Council, shall be noticed in accordance with the applicable requirements of F.S. ch. 166.041 and F.S. ch. 163, Part II, as amended, as applicable;
4. In addition to the above stated notice requirements, all petitions for: Annexation, Amendments to the Future Land Use Plan Map, Official Zoning Atlas, Special Exceptions, Variances, Board Site and Development Plan Review, Historic Designations and Certificates of Appropriateness, Special Impact Permits and Appeals pertaining to a parcel(s) of land, shall also be noticed by prominently posting a sign on the property that is the subject of the proposed action.

   Such sign shall be posted at least ten days prior to the first public hearing regarding said petition, and shall remain posted until final action on the petition has taken place. The land development administrator shall take a dated photo at the time of sign posting, which shall become part of the official case record. Properties which front more than one public street shall have posted a sign on each street frontage. Additional signs may be posted at the discretion of the land development administrator, when deemed necessary in order to better communicate the span of the subject property.

   If it should become known to the land development administrator that said sign was removed prior to final action on the petition, said administrator shall erect a replacement sign in its place, however, in no instance shall the unauthorized removal of such a sign, prior to final action, which was documented to have been erected according to this requirement, cause any delay on the sequence of public hearings, recommendations and/or final actions on said petitions, nor shall such removal cause or justify any basis for challenge for appeal to said final action(s). Signs shall state the type of request, case number, nature of the request, hearing date/time, and the location of the hearing.
5. The newspaper notice(s) required by this Section shall:
   a. State the date, time and place of the public hearing;
   b. Identify the Board or entity which will be considering the petition;
   c. The title or titles, and/or case number(s) of proposed petitions or ordinances, as applicable;
   d. Reasonably identify the location and legal description of the property that is the subject of the application or appeal, at a minimum indicating the legal description and/or parcel ID number(s), and when necessary or as required by Florida Statutes, a geographic location map which indicates the area covered by the proposed action or ordinance;
   e. Give a brief description of the action requested or proposed;
   f. State the place where a copy of the proposed action or ordinance may be inspected by the public; and
   g. Advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action or ordinance.
6. “At least ten (10) days prior to the hearing” shall mean counting the day the notice occurred, but not the day of the hearing.

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