

HILLIARD TOWN COUNCIL MEETING

Hilliard Town Hall / Council Chambers
15859 West County Road 108
Post Office Box 249
Hilliard, FL 32046

TOWN COUNCIL MEMBERS

Floyd L. Vanzant, Mayor
John P. Beasley, Council President
Kenny Sims, Council Pro Tem
Lee Pickett, Councilman
Jared Wollitz, Councilman
Callie Kay Bishop, Councilwoman

ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk
Richie Rowe, Public Works Director
Gabe Whittenburg, Parks & Rec Director

TOWN ATTORNEY

Christian Waugh

HILLIARD PLANNING AND ZONING BOARD MEETING

BOARD MEMBERS

Wendy Prather, Chair
Charles Reed, Vice Chair
Josetta Lawson
Harold "Skip" Frey
Dallis Hunter

ADMINISTRATIVE STAFF

Janis Fleet, AICP
Land Use Administrator

TOWN ATTORNEY

Christian Waugh

AGENDA

MONDAY, JUNE 13, 2022, 6:00 PM

CALL TO ORDER

PRAYER & PLEDGE OF ALLEGIANCE

ROLL CALL

WORKSHOP

ITEM-1

Land Use Administrator's Agenda Item Report regarding the Amending of the Land Development Regulations to follow the Adopted Comprehensive Plan.

ITEM-2

Ordinance No 2022-02 - Amending Chapter 62 Zoning and Land Development Regulations and moving from Part II to Part III of the Code of Ordinance Town of Hilliard, Florida.

ITEM-3

Chapter 62 Zoning and Land Development Regulations Strikethroughs & Underlines. ARTICLE I - IN GENERAL

ITEM-4

Chapter 62 Zoning and Land Development Regulations Strikethrough & Underline. ARTICLE II - ADMINISTRATION AND ENFORCEMENT
Division 7. Building Permits and Inspections and move to Chapter 14 Buildings and Building Regulations.

ITEM-5

Attachment A - Removing Chapter 62, Article II, Division 7. Building Permits and Inspections from Chapter 62 Zoning and Land Development Regulations and moving to Chapter 14 Buildings and Building Regulations.

ITEM-6 Chapter 62 Zoning and Land Development Regulations Strikethroughs & Underlines. ARTICLE III - ZONING DISTRICTS ESTABLISHED; ZONING ATLAS

ITEM-7 Chapter 62 Zoning and Land Development Regulations Strikethroughs & Underlines. ARTICLE IV - DISTRICT REGULATIONS

ITEM-8 Attachment B - Chapter 62 Zoning & Land Development Regulations repeal and replace to Part III Land Development Regulations of the Code of Ordinance Town of Hilliard, Florida. ARTICLES I - IV

ITEM-9 Chapter 62 Zoning and Land Development Regulations Revised Schedule for Review of the Proposed Amendments to the Town of Hilliard Land Development Regulations.

ADDITIONAL COMMENTS

ADJOURNMENT

ADA NOTICE

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Town Clerk's Office at (904) 845-3555 at least seventy-two hours in advance to request such accommodations.

PUBLIC PARTICIPATION

Pursuant to Section 286.0114, Florida Statutes, effective October 1, 2013, the public is invited to speak on any "proposition" before a board, commission, council, or appointed committee takes official action regardless of whether the issue is on the Agenda. Certain exemptions for emergencies, ministerial acts, etc. apply. This public participation does not affect the right of a person to be heard as otherwise provided by law.

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AGENDA ITEM REPORT

TOWN OF HILLIARD, FLORIDA

TO: Town Council Regular Meeting Meeting Date: May 5, 2022

FROM: *Janis K. Fleet, AICP - Land Use Administrator*

SUBJECT: Town Council to set a Joint Workshop for Tuesday, May 10, 2022, from 6 to 7 p.m. and Tuesday, May 24, 2022, at 6:00 p.m. to review and discuss the proposed amendments to the Zoning and Land Development Regulations.

BACKGROUND:

As required by State Statutes, after the adoption of amendments to the Comprehensive Plan, the Land Development Regulations need to be reviewed to assure they are in compliance with and implement the updated Comprehensive Plan. The Planning and Zoning Board has been reviewing the Land Development Regulations since September 15, 2020. In March of 2021, the Planning and Zoning Board began reviewing individual Articles of Chapter 62. By January 2022, the Planning and Zoning Board had reviewed all Articles of Chapter 62. On April 12, 2022, the Planning and Zoning Board held a Public Hearing to recommend to the Town Council the approval of Ordinance No. 2022-02, which would repeal and replace Chapter 62. The ordinance would also move the Subdivision Regulations, Chapter 46, into the Land Development Regulations and move the parts of Chapter 62 related to building permits to the Buildings and Building Regulations, Chapter 14.

FINANCIAL IMPACT:

None

RECOMMENDATION:

For the Town Council to schedule a workshop on Tuesday, May 10th from 6:00 p.m. to 7:00 p.m. for an overview of the changes proposed and another workshop on Tuesday, May 24th at 6:00 p.m. to answer questions and provide input on the proposed revisions to the Land Development. Additional workshops can be scheduled, if needed. The amendment to the Zoning and Land Development Regulations will be adopted by ordinance and will require 2 public hearings.

ORDINANCE NO. 2022-02

AN ORDINANCE REPEALING AND REPLACING CHAPTER 62 ZONING AND LAND DEVELOPMENT REGULATIONS OF THE HILLIARD TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Hilliard adopted amendment to the Town of Hilliard’s Comprehensive Plan in 2021; and

WHEREAS, Chapter 163.3202, Florida Statutes requires to amend Land Development Regulations that are consistent with and implement the adopted Comprehensive Plan; and

WHEREAS, the Town Council has found it desirable and necessary to update the Land Development Regulations; and

WHEREAS, Chapter 46 – Subdivision of the Hilliard Town Code will be added to Chapter 62 of the Hilliard Town Code; and

WHEREAS, Chapter 62, Division 7, Building Permits and Inspections of the Hilliard Town Code will be added to Chapter 14 of the Hilliard Town Code; and

WHEREAS, the Town of Hilliard has the authority to amend its Land Development Regulations; and

WHEREAS, the Town’s Planning and Zoning Board have exhaustedly studied the changes set forth at numerous public meetings over the past year; and

WHEREAS, a duly noticed public hearing on this Ordinance was held before the Planning and Zoning Board on the 12th day of April, 2022; and

WHEREAS, the amendments set forth herein are found to be consistent with the Town of Hilliard’s Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA that the following Sections of the Hilliard Town Code, Chapter 14, Building and Building Regulations and Chapter 62, Zoning and Land Development Regulations, shall be amended as follows:

SECTION 1. Chapter 14, Building and Building Regulations shall be amended as described in Attachment “A”.

SECTION 2. Chapter 62, Zoning and Land Development Regulations shall be amended as described in Attachment “B”.

SECTION 3. It is the intention of the Town Council that the provisions of this Ordinance shall be and made part of the Code of Ordinances of Town of Hilliard, Florida, and that the Sections and paragraphs of this Ordinance may be renumbered or re-lettered in order to accomplish such intentions.

SECTION 4. The Town Council hereby authorizes the Town Attorney or his designee to make any and all revisions necessary to codify this Ordinance, including repagination or reenumeration of Articles or Sections. Changes necessary to correct scriveners' errors or cross-reference inaccuracies are hereby authorized to be made by the Town Attorney or his designee.

SECTION 5. Repealer. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Severability. The various parts, sections and clauses of this Ordinance are hereby declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 7. Effective date. This ordinance shall become effective upon passage.

ADOPTED this _____ day of _____, 2022, by the Hilliard Town Council, Hilliard, Florida.

John P. Beasley
Council President

ATTEST:

Lisa Purvis
Town Clerk

APPROVED:

Floyd L. Vanzant
Mayor

Planning & Zoning Board Introduction: March 8, 2022
Planning & Zoning Board Publication: March 23, 2022
Planning & Zoning Board Public Hearing: April 12, 2022
Town Council First Publication:
Town Council First Public Hearing:
Town Council First Reading:
Town Council Second Publication:
Town Council Second Public Hearing:
Town Council Second & Final Reading:

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Chapter 62 - ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 62-1. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. The word "used" or "occupied" include the word "intended," "designed," or "arranged" to be used or occupied. The word "lot" includes the word "plot" or "parcel." 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. The word "land" includes the word "marsh," "water," or "swamp." The word "map" shall mean the "Zoning Map of the Town of Hilliard, Florida."

Accessory use or structure means a use or structure of a nature customarily incidental and subordinate to the principal use or structure, and unless otherwise provided, on the same premises.

Alley means a public or private way which affords only a secondary means of access to property abutting thereon.

Alter or alteration means any change in size, shape, occupancy, character or use of a building or structure.

Auditorium means a room, hall, building, or part of a building used for public gatherings.

~~*Automobile service or filling station.* See *Service station.*~~

~~*Automobile wrecking, recycling or storage yard* means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles, trailers, or their parts.~~

~~*Bar, cocktail lounge, saloon or tavern* means any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.~~

~~*Boardinghouse* means an establishment with lodging for four or more persons, where meals may be regularly prepared and served for compensation.~~

~~*Body shop* means any enclosed structure used for the alteration, repair, restoration and refinishing of the body parts or appurtenances of a motor vehicle body.~~

Buildable area means the portion of a lot remaining after required yards, parking, and landscaping areas have been provided. Buildings may be placed in any part of the buildable area, but limitations on percent of the lot which may be covered by buildings may require open space within the buildable area.

Building means a structure designed for shelter, storage, trade, manufacturing, religion, business, education and the like, having a roof and walls impervious to weather, and shall be subject to this Code.

Building enclosed means 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 which are pierced only by windows and normal entrance or exit doors.

Carpport means an accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

Centerline of street means the line surveyed and monumented by the town or the state department of transportation. If a centerline has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

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Church means a building or structure, the sole design and use of which is for religious worship and the religious program of such church.

Clinic, medical or dental means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the state.

Club, night, means a restaurant or dining room serving alcoholic beverages wherein paid floor shows or other forms of paid entertainment are provided for customers as part of the commercial enterprise.

Club, private, means an association or organization of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Club, tennis, means any associated, chartered or incorporated club owning or leasing and maintaining any bona fide tennis club or four-wall indoor racquetball club consisting of not less than ten regulation size four-wall indoor racquetball courts, or ten of any combination of such courts, with clubhouse facilities, pro shop, locker rooms and attendant facilities, all located on a contiguous tract of land owned or leased by such club.

Community residential home means a dwelling unit as defined and required by F.S. § 419.001.

Completely enclosed building means 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 which are pierced only by windows and normal entrance or exit doors.

Conditional use means a use that would not be appropriate generally or without restriction throughout the zoning classification or district, but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, property or general welfare. Such uses may be permitted in such zoning classification or district as conditional uses, if specific provisions for such conditional use are made in this Code.

Convenience store means a retail establishment engaged in the selling of groceries and convenience goods to the residents of a local neighborhood.

Coverage of a lot ~~Coverage by of buildings~~ means that percentage of lot area that is or may be covered or occupied by buildings.

Day nurseries and kindergartens ~~Care/Child Care Centers~~ means any service which during all or part of the day regularly gives facilities that provide care to six or more children, not of common parentage, who are under six years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school, or by any other name. The total number of children receiving care shall be counted, including children or foster children of the owner or person in charge, in determining the applicability of this definition and licensed by the State of Florida to provide those services.

Density means the number of residential dwelling units permitted per acre of land, excluding land for street rights-of-way and drainage ditches.

Developable land means all of a parcel of land except:

- (1) Lands lying within proposed public rights-of-way;
- (2) Marshlands, swamps, floodplains or other environmentally sensitive lands where local, state or federal regulations otherwise prohibit development; and
- (3) Bodies of water such as ponds, lakes and reservoirs, either natural or manmade.

Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles on the premises, or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a

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drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Dwelling means any building, or part thereof, occupied in whole or in part as the residence or living quarters of one or more persons, ~~permanently or temporarily, continuously or transiently.~~

Dwelling, foster care, means a family that consists of related persons and not more than five unrelated minor children in a single dwelling unit. Such family/dwelling unit shall be duly licensed and/or registered by the state and in conformance with its rules and regulations.

Dwelling group means ~~three or more unrelated persons occupying a single dwelling unit as a family.~~ No such family may contain more than five persons, except where duly licensed by the state and in conformance with its rules and regulations a total of eight persons, including caretakers, may be allowed.

Dwelling, multiple-family, means a building containing three or more dwelling units.

Dwelling, one-family or single-family, means a building containing not more than one dwelling unit designed for residential use and complying with the following standards:

- (1) ~~The dwelling complies with the minimum square footage requirements of this chapter for the zone in which it is located.~~
- (2) ~~The dwelling has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with this Code, including minimum heights for habitable rooms. Where a dwelling is required to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by this Code, then, and in such event, such federal or state standard or regulation shall apply.~~
- (3) ~~The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the Florida Building Code and shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable Florida Building Code for single-family dwellings. If the dwelling is a mobile home as defined in this section, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission or shall have a perimeter wall as required in this subsection.~~
- (4) ~~The dwelling, if a mobile home as defined in this section, is installed with the wheels removed and, additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.~~
- (5) ~~The dwelling is connected to a public sewer and water supply or to such approved private facilities, if permissible under the provisions of this Code.~~
- (6) ~~The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.~~
- (7) ~~The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than 12 inches on all sides or alternatively with windowsills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors, with the second one being in either the rear or side of the dwelling; and contains steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires such steps.~~
- (8) ~~The compatibility of design and appearance shall be determined in the first instance by the city building official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the planning and zoning board within a period of 15 days from the receipt of notice of such building official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition, as well as the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, within 2,000 feet of~~

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~~the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within such area or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, throughout the town. This subsection shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard site-built home.~~

- ~~(9) The dwelling contains no additions, rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this definition.~~
- ~~(10) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatuses and insulation within and connected to the mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as such standards may be amended from time to time. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.~~

~~The standards set forth in this definition shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in provisions of this Code pertaining to such parks. All construction required in this definition shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.~~

Dwelling, two-family, means a building containing two dwelling units.

Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one kitchen.

Easement means a grant from a property owner for the use of land for a specific purpose by the general public, by a corporation, or by a certain person.

Erected means and includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection.

Exception means a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as exceptions, if specific provision for such exception is made in this chapter.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by law, blood, adoption, or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Family day care home means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit.

Filling station. See *Service station*.

Flammable liquid means liquids having a flashpoint below 200 degrees Fahrenheit, closed cup tester. Class 1 flammable liquids (e.g., gasoline) have a flashpoint of 25 to 69 plus degrees Fahrenheit.

Flood zones means the areas where there is wetland vegetation, the areas of transition between wetland vegetation and upland areas, and those areas outlined in the federal insurance floodprone maps.

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Floor area means, except as may be otherwise specifically indicated in relation to particular districts and uses, and shall be construed as 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 or heating or other building machinery and equipment, parking structures, and basement space where the ceiling is not more than an average of 48 inches above the general finished and graded level of the adjacent portion of the lot.~~

Frontage of a lot. See *Lot frontage*.

Garage, parking, means a building, or portion thereof, designed or used for temporary parking of motor vehicles and within which gasoline and oils may be sold only to parking patrons of the garage.

Garage, private, means an accessory structure designed or used for inside 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 to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

Garage, repair, means a building, or portion thereof, other than a private storage, or parking garage or service station, designed or used for repairing, equipping or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

Garage, storage, means a building, or portion thereof, designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

General store means a retail establishment engaged in the selling of groceries and convenience goods to the residents of a predominantly rural or agricultural area.

Guesthouse means living quarters in a building separate from and in addition to the main residential building on a lot, used for intermittent or temporary occupancy by nonpaying guests; provided, that the quarters shall have no kitchen, cooking facilities or kitchen sink. The quarters shall not be rented, leased or otherwise made available for compensation of any kind.

Height of a building means the vertical distance from the established grade at the center of the front of a building to the highest point of the roof or parapet.

Home for the aged means a facility for the care of the aged with routine nursing or medical care provided.

Home occupation means a vocation that is conducted on the same premises that is utilized for residential purposes by persons engaged in such vocation.

Hospital means a building or group of buildings having facilities for overnight care of one or more human patients, providing services to inpatients and medical care to the sick and injured, and which may include related facilities such as laboratories, outpatient services, training facilities, central service facilities, and staff facilities; provided, however, that any related facility shall be incidental and subordinate to principal hospital use and operation. Only those buildings licensed as a hospital under the laws of the state shall be included within this definition Florida.

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

Housing for the elderly means a facility in the nature of multiple-family housing, with no provision for routine nursing or medical care. Where this chapter permits housing for the elderly, such housing shall be used only for this purpose; if housing for the elderly is changed to multiple-family use, then the provisions of this chapter shall be met before such multiple-family use is permitted.

Junkyard means 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,

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containers, etc., are 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 shall not include automobile wrecking and automobile wrecking or storage yards, or pawnshops, and 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 shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity. However, establishments for the sale, purchase or storage of secondhand refrigerators, stoves, plumbing fixtures, and similar merchandise shall be considered a junkyard for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as required for junkyards by this chapter.

Kenel means any place or premises where four or more dogs over four months of age are kept for pay or for sale. This definition shall not apply to veterinarians operating under license from the state who board dogs on the same premises in conjunction with their practice incidental to observation and treatment.

Kindergarten. See *Day nurseries*.

Land use administrator means the appointed individual in charge of the day-to-day administration of this chapter.

Loading space, off-street, means an on-the-property space, logically and conveniently located for pickups or deliveries or for loading and unloading of vehicles sealed to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Such space shall measure not less than 12 feet by 25 feet excluding surfaced area necessary for access and maneuvering.

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, provided that certain nonconforming lots of record at the effective date of the ordinance from which this chapter is derived or its amendment are exempted from certain of its provisions under the terms of this chapter. Such lot shall have frontage on a public or private street and may consist of:

- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, complete lots of record and portions of lots of record, or portions of lots of record.
- (4) A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

Lot frontage means the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as set out in this chapter.

Lot measurement depth means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear property lines.

Lot measurement width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard or at the building restriction line, whichever is located the greater distance from the street; provided, however, that width between the side lot lines at their foremost points, where they intersect with the street line, shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirements shall not apply.

Lot of record means:

- (1) A lot which is part of a subdivision recorded in the office of the clerk of the circuit court of the county; or

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- (2) A lot or parcel described by metes and bounds, the description of which has been so recorded on or before the adoption of the ordinance from which this chapter is derived ~~January 1, 1987.~~

~~Mobile home or manufactured home means a single-family dwelling unit that either was constructed as a complete movable dwelling unit prior to June 15, 1976, or is constructed in its own permanent chassis according to the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards, which took effect on June 15, 1976. When installed where permitted in this chapter, the dwelling unit shall meet the permanent foundation, anchoring and other rules, as contained within F.A.C. 15C-1.10, and Standards for the Installation of HUD-Code Manufactured (Mobile) Homes, 1983. New units, when installed, shall have a minimum on-site assembled home width of 12 feet, as measured across the narrowest portion (this is not intended to prohibit offsetting of portions of the dwelling unit). All visible transportation equipment shall be removed and a perimeter underfloor enclosure shall be required. Such dwelling units shall be permitted in the RHM and RM-4 districts only.~~

~~Mobile home park means a parcel of land set aside and rented by any person for the parking and accommodation of a mobile home which is to be occupied for sleeping or eating in exchange for a consideration or benefit to the owner of the mobile home park. This includes all land, buildings, structures or facilities used by occupants of mobile homes on such premises.~~

~~Mobile home subdivision means a parcel of land set aside where lots are sold to mobile home owners for the purpose of placing mobile homes thereon for living and sleeping purposes, or facilities used by occupants of mobile homes on such premises.~~

~~Modular commercial building means a building which is constructed in accordance with the Florida Building Code and bears the approval of the department of community affairs ~~State of Florida~~ under the provisions of the Housing Act of 1971 and is a detached unit that cannot be moved as a single unit. The unit must be assembled onto a permanent foundation at the building site. A perimeter underfloor enclosure shall be included with any required access or openings. Such units shall be permitted in general commercial districts C-1.~~

~~Modular home or manufactured building means a modular home or manufactured building which is constructed in accordance with the applicable Standard Building Code and is a detached single-family dwelling unit that cannot be moved as a single unit and must be assembled onto a permanent foundation at the building site. A perimeter under-floor enclosure shall be included with any required access or openings. The siding and roofing materials and treatment shall be of a type acceptable for site-built housing in the general vicinity. The minimum assembled width as measured across the narrowest portion shall be 20 feet (this is not intended to prohibit offsetting of portions of the dwelling unit). The minimum roof overhang shall be six inches per side and all transportation equipment shall be removed. Such dwelling units shall be permitted in all residential districts. This term does not apply to mobile homes.~~

~~Motel. See the term "hotel, etc."~~

~~Motor hotel or motor lodge. See Hotel, etc.~~

~~Nuisance is an act or omission that infringes or threatens the health, morals, safety, comfort, convenience, general welfare or property values of or within the town.~~

~~Nursery school. See Day nurseries and Kindergartens.~~

~~Nursing home means a public or private home, institution, building, residence, or other place, profit or nonprofit, which undertakes through its ownership or management to provide for a period exceeding 24 hours, maintenance, personal care, or nursing for three or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves; provided that this definition shall include homes offering services for less than three persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, buildings or places facility licensed under the laws of the state Florida as nursing homes shall be included within this definition.~~

~~Occupied means and includes arranged, designed, built, altered, converted to, or intended to be used or occupied.~~

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~~Office, business or professional Professional or business Office, means an office for such operations as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance companies), abstract and title insurance companies, management consultants, stockbrokers, and the like; or an office for the use of a person generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of animals on the premises), psychiatrists, psychologists, and the like etc. For the purpose of this chapter, a barbershop or beauty shop or bail bond agency shall not be deemed a business or professional office.~~

~~Open space means a parcel of land or an area of water, or a combination of land and water, within a site which shall include common recreation areas, woodland areas, parks, playgrounds, golf courses, tennis courts, nature trails, lakes and swimming pools, camping facilities and other similar open space, exclusive of streets, roads and parking areas.~~

~~Package store means a place where alcoholic beverages with an alcoholic content in excess of 14 percent are dispensed or sold in containers for consumption off the premises.~~

~~Parking space, off-street, means an off-street parking space which shall be paved with erosion-resistant material in accordance with town specification adequate for parking a standard size automobile with room for opening doors on both sides, a minimum of nine feet in width by 18 feet in length, together with properly related access to a public or private street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public or private street or alley, and so that any automobile may be parked and unparked without moving another. For purpose of rough computation, one off-street parking space and necessary access and maneuvering room may be estimated at 315 square feet, but off-street parking requirements will be considered to be met only where actual spaces meeting the requirements of this definition are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the town.~~

~~Patio means an open courtyard used for either passive recreation or relaxation located within the house or immediately adjoining the house.~~

~~Pet, household, means any domestic animal normally owned or kept as a pet, including cats, dogs, rabbits, raccoons, parrots, and pigeons and other animals deemed by the town council to be appropriate as domestic pets; provided such animals are confined to the limits of the residential property occupied by the owner of such pets. Household pets shall not include any animals or birds maintained for commercial purposes, or any animal which is normally raised to provide food, whether or not such animal or bird may be appropriate as a domestic pet.~~

~~Planned unit development means an area of land, controlled by a landowner, to be developed as a single entity for a number of specified uses, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial use, density, lot coverage and required open space to the regulations established in any one or more districts created in this chapter.~~

~~Plot. See Lot.~~

~~Porch, enclosed and open. An "enclosed porch" means a roofed space attached to the outside of the outer wall of the building, open on one or more sides, which has railings or screened enclosures. An "open" or "unenclosed porch" means a roofed space attached to an outer wall of a building open on one or more sides without railing, glass, canvas, screen or similar materials on the open sides.~~

~~Poultry means any chickens, turkeys, ducks, geese, guineas, or other fowl.~~

~~Private street or road. A private street or road shall have a minimum width of 60 feet and shall serve no more than six single-family or multifamily dwellings on individual lots, whether in single or separate ownership approved by the Town Council.~~

~~Recreational vehicle means a vehicular portable structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes, and including travel trailers, camping trailers, pickup~~

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campers, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.

Restaurant means an establishment where food is ordered from a menu, prepared, and served for pay primarily for on site or off site consumption on the premises in a completely enclosed room, under the roof of the main structure, or in an interior court. A drive-in restaurant as defined here is not a restaurant. A cafeteria shall be deemed a restaurant as defined herein.

Sanitarium means a facility for the recuperation and treatment of physical or mental disorders, without provision for major surgery.

Service station means an establishment the principal business of which is for the dispensing at retail of gasoline and the service of and oil and where grease, batteries, tires, and automobile and sale of automobile accessories may be supplied and dispensed at retail, principally for automobiles and/or in connection with a private operation where the general public is excluded from the use of the facilities, and where, in addition, the following services may be rendered and sales made, and no other:

- (1) ~~Sales and servicing of sparkplugs, batteries, and distributors and distributor parts.~~
- (2) ~~Tire servicing and repair, but not recapping or regrooving.~~
- (3) ~~Replacement of waterhoses, fan belts, brake fluid, lightbulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like.~~
- (4) ~~Radiator cleaning and flushing; provision of water, antifreeze, and the like.~~
- (5) ~~Washing and polishing and sale of automotive washing and polishing materials.~~
- (6) ~~Providing and repairing fuel pumps and lines.~~
- (7) ~~Minor servicing and repair of carburetors.~~
- (8) ~~Emergency wiring repairs.~~
- (9) ~~Adjusting and emergency repair of brakes.~~
- (10) ~~Minor motor adjustments not involving removal of the head or crankcase.~~
- (11) ~~Greasing and lubrication.~~
- (12) ~~Sales of cold drinks, packaged goods, tobacco, and similar convenience goods for service station customers, but only as accessory and incidental to the principal business operation.~~
- (13) ~~Provision of road maps and other informational material to customers.~~
- (14) ~~Provision of restroom facilities.~~
- (15) ~~Rental of luggage, utility trailers, trucks and automobiles.~~

Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, operation of a commercial parking lot or commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage, a body shop, or a truck stop.

Shopping center means a group of retail stores or service establishments planned and developed as a unit by one operator, owner, organization, or corporation for sale or for lease for the site upon which they are built.

Sign means any structure or device which is erected, constructed or maintained outside of enclosed buildings, or structures for the purpose of display, information, advertisement, or attraction of the attention of persons, and includes among others, posters, pictures, pictorial or reading matter, and any letter, word, model, device or representation used in the nature of any advertisement, announcement, attraction or direction.

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~~*Tourist home* means a building, or part thereof, other than a motel or hotel, where sleeping accommodations only are provided for transient guests with daily charge, without service of meals, and which also serves as the residence of the operator or owner.~~

~~*Townhouse* means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling by party walls, or are located immediately adjacent thereto with no visible separation between walls or roof.~~

~~*Truck stop* means an establishment where the principal use is primarily 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.~~

~~*Use* means the purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained.~~

~~*Use, nonconforming*, means a building or premises occupied by a use that does not conform with the regulation of the district in which it is situated.~~

~~*Use of land* means the use of land, water surface, and land under water to the extent covered by zoning districts, and over which the town has jurisdiction.~~

~~*Used car lot* means a lot or group of contiguous lots used for the storage, display and sale of used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.~~

~~*Variance* means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to the particular physical surroundings, shape, or topographical condition of the property, and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure, size of lot and yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. All variances must be approved by the planning and zoning board.~~

~~*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a public right-of-way. This definition includes vehicles propelled by power other than muscular power and trailers drawn by such propelled vehicles.~~

~~*Yard* means a required open space other than a court unoccupied and unobstructed by any structures or portion of a structure from 30 inches above the general ground level of the graded lot 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.~~

~~*Yard, front*, means a yard extending between side lot lines across from the front lot line of a lot adjoining a public or private street to the structure.~~

~~In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages of through lots. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.~~

~~In the case of corner lots, must have a front yard of the required depth shall be provided on one frontage and a depth of 15 feet or one-half of the average adjacent front yard, whichever is greater. Corner lots have 2 side yards.~~

~~Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners~~

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at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. ~~Front and rear yard lines shall be parallel.~~

~~Where lots in residential districts comprising 40 percent or more of the frontage on one side of a street between intersecting streets are developed with structures having an average front yard with a variation of not more than six feet, no building thereafter erected shall project beyond the average line so established. This provision applies in all residential districts.~~

~~Yard, side, means a yard extending from the side property line to the structure rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.~~

~~Width of a required side yard shall be 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, means a yard extending across from the rear lot line to the structure of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.~~

~~Depth of a required rear yard shall be 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 lines.~~

Sec. 62-2. - Scope and compliance.

The provisions of this chapter shall apply to all land, buildings, structures and to the uses within the jurisdiction of the town. No land, building or structure shall be moved, added to or enlarged, altered or maintained, except in conformity with the provisions of this chapter. All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved in the town shall be in conformity with the provisions of this chapter.

Sec. 62-3. - Purpose and policy.

- (a) The purpose of this chapter is to promote, protect, and improve in accordance with the comprehensive plan and with present and future needs, the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the town; to conserve the value of land, buildings and resources; and to protect the character and maintain the stability of residential, agriculture, business and industrial areas and promote the orderly development of such areas.
- (b) The districts and regulations contained herein are designed to provide orderly growth; to decrease the traffic congestion on public streets and highways; to provide adequate light and air; to promote civic amenities of beauty and visual interest; and to regulate density of population and thus prevent the overcrowding of land in order to facilitate the provision for adequate community service and facilities such as water, sewerage, schools, and parks; and to help accomplish the goals and objectives of the comprehensive plan.

Sec. 62-4. - Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the town.

Sec. 62-5. - Conflict with other legal documents.

It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open

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space than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the strictest provisions of this chapter shall govern.

Sec. 62-6. - Remedies.

The violation of any of the codes, regulations, restrictions and limitations promulgated under the provisions of this chapter may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the town council, or by any person or other group or body affected by the violation of any such regulation, restriction or limitation.

Sec. 62-7. - Penalties.

Violations of this chapter are punishable as provided in section 1-7.

Sec. 62-8. - Liability.

The granting of approval of any structure or use shall not constitute representation, guarantee or warranty of any kind or nature by the town or the town planning and zoning board by any officer or employee thereof of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result thereto.

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ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

~~Sec. 62-31. - Time periods procedural.~~

~~All time periods provided for in this chapter are procedural and not substantive and noncompliance with any time period shall neither confer nor deny any substantive right to any applicant for a zoning exception, variance, appeal or a rezoning of property.~~

Sec. 62-32. - Appointed officials and employees.

It shall be within the powers of the town council to contract a land use administrator and appoint such other town employees as the council may deem necessary in order to enforce and administer the provisions of this chapter and any order or resolution made under authority thereof.

Sec. 62-33. - Powers and duties of the land use administrator's office.

The land use administrator shall administer and enforce the provisions of this chapter. The duties of the land use administrator are to:

- (1) Provide for the processing of all applications for rezoning, comprehensive plan amendments, variances, and conditional uses Special Exceptions.
- (2) Keep ~~comprehensive records of applications, permits and certificates issued, complaints filed, inspections made and notices or orders issued related to this chapter.~~ The land use administrator shall retain on file copies of required drawings and all related legal documents.
- (3) Record changes in zoning district and Future Land Use Map boundaries of the zoning atlas. If in accordance with the provisions of this chapter when changes are made in district boundaries or other matters portrayed on the official zoning atlas, such changes shall be made on the official zoning map promptly after the amending ordinance has been legally approved by the town council, together with an entry on the official zoning map as follows: "On (date) by official action of the town council the following change(s) were made on the official zoning atlas (brief description of nature of change)," which entry shall be signed by the president, attested by the town clerk, and approved by the mayor.
- (4) Mail notices of zoning requests to be considered at the next scheduled meeting of the planning and zoning board to its respective members seven days prior to the meeting date. This will allow the planning and zoning board members sufficient time to make the necessary site inspections.
- (5) Assist applicants in understanding the provisions of this chapter.
- (6) ~~Enter any building, structure, or premises to perform any duty imposed by this chapter.~~
- (7) Suggest to the planning and zoning board and the town council modifications ~~to this chapter and map, with written statement outlining the need for such changes~~ to the Land Development Regulations and the Comprehensive Plan.
- (8) ~~Conduct the necessary inspections required to make rational zoning decisions and to properly advise the town council and the planning and zoning board on zoning matters.~~
- (9) Review all applications for building permits including plot plans to determine whether the proposed construction, alteration, repair, enlargement, and the proposed use are is in for compliance with the provisions of this chapter Comprehensive Plan and Land Development Regulations. The land use administrator's signature, stating approval or disapproval, is required on all building permit applications before a building permit is issued.

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- (10) Review all applications for permits proposing to construct, alter, or allow an airport obstruction in an airport hazard area. The land use administrator's signature, stating approval or disapproval, is required on all building permit applications before a building permit is issued.
- (11) ~~Periodically canvass the town for zoning violations.~~
- (12) ~~Initiate the appropriate proceedings against violators of this chapter in accordance with the provisions of this chapter.~~
- (13) ~~In the event the land use administrator is unable to perform these duties the mayor shall appoint a planning and zoning board member to serve in that capacity or a designee as directed by the planning and zoning board.~~

Sec. 62-34. - Schedule of fees.

- (a) Fees as set by resolution of the town council shall apply to action under this chapter. A receipt showing payment of the applicable fee shall accompany an application prior to consideration thereof.
- (b) If the applicant does not appear at the advertised public hearing and the planning and zoning board votes to postpone the public hearing as provided for in section 62-37, the applicant shall bear the additional costs of readvertising and renotifying adjacent property owners. Such costs shall be paid prior to the rescheduled hearing.

Sec. 62-35. - Limitation on exceptions and variances.

~~Exceptions and variances shall be nontransferable and granted to the applicant only and the exception or variance shall be commenced within a period of 90 days from the effective date of the final order granting same; provided, however, that the~~ The planning and zoning board may adopt the following conditions to any exception or variance:

- (1) ~~The exception or variance shall be nontransferable and granted to the applicant only run with the land when the facts involved warrant same or where construction or land development is included as part of the exception or variance and restrict transfer of land to maintain the exception or variance.~~
- (2) ~~The time within which the exception or variance shall be~~ Place a time period on the ~~exception or variance shall~~ commenced may be extended for an additional period of time no longer than 90 days. Failure to exercise the exception or variance by commencement of the use or action approved thereby within six months ~~within the time period approved~~ shall render the exception or variance invalid and all rights granted thereunder shall terminate. ~~Transfer of the property by the applicant unless the exception or variance runs with the land shall terminate the exception or variance.~~
- (3) Whenever the planning and zoning board has denied an application for an exception or variance, no further application shall be filed for the same exception or variance on any part or ~~all of the same property for a period of one year from the date of such action.~~
- (4) ~~The time limits of subsections (2) and (3) of this section may be waived by the affirmative votes of a majority of the planning and zoning board when such action is deemed necessary to prevent injustice or to facilitate the proper development of the town.~~

Sec. 62-36. - Notice of public hearings.

- (a) Notice of a time and place of any required public hearings with respect to the rezoning of land, zoning exceptions, zoning variances or appeals shall be given by the land use administrator's office at least 30 days in advance of any such hearings by the town council and at least 15 days in advance of such hearings by the planning and zoning board, via first class mail or hand delivery to all owners of real property within 300 feet of the boundaries of the land upon which rezoning, exception, variance or appeal is requested, together with identical notice to the owner of the land for which rezoning or other action is proposed as provided by F.S. § 166.041. A list of names and addresses of

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adjoining property owners shall be furnished to the land use administrator's office by the petitioner when his application is submitted and fee paid to the town clerk. The notification costs shall be paid by the petitioner. Failure of owners of lands adjoining the parcel upon which such rezoning or other action is proposed to receive notice of hearings shall in no way affect the validity of the action taken.

- (b) Notice of any public hearing shall be published once in a newspaper of local general circulation with publication at least 15 days prior to the date of hearing by the planning and zoning board, and at least 30 days prior to the date of hearing by the town council pursuant to F.S. § 166.041. The advertisement costs shall be paid by the petitioner.
- (c) The land use administrator shall cause signs to be posted on any land upon which an application for rezoning is made not less than 15 days in advance of the public hearing by the planning and zoning board and 30 days in advance of the public hearing by the town council at which such application is to be considered. Such signs shall be posted on the property by the land use administration department, which shall possess the right to entrance upon such property. Such signs shall be in such form as required by the planning and zoning board and shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land for which rezoning is sought.
- (d) The land use administration department shall post a sign in such form as required by the planning and zoning board on the property upon which a request is made for a zoning exception or variance, such sign shall be posted not less than 15 days in advance of the public hearing by the planning and zoning board and 30 days prior to the date of the public hearing by the town council before the public on a street side of the land involved and shall be maintained by the land use administration department until final determination has been made by the planning and zoning board on the zoning exception or variance.

Sec. 62-37. - Postponement of public hearings.

Whenever a public hearing date has been scheduled in accordance with the provisions of this chapter by the planning and zoning board, or town council, it will take the majority vote of the appropriate planning and zoning board or town council to alter such a date.

Sec. 62-38. - Amendment of application prohibited.

An application for the rezoning of land, a zoning exception, or a zoning variance shall not be allowed to be amended by the applicant at any time after the required fees have been paid to the town clerk.

Sec. 62-39. - Concurrent applications.

An application for the rezoning of land and for an exception and/or variance on all or part of the same land may be made concurrently. In such cases, the application for a zoning exception and/or variance shall be held in abeyance by the planning and zoning board until action has been taken by the town council on the application for the rezoning of such land.

Sec. 62-40. - Site plan review.

- (a) Site plans, as a condition to the issuance of building permits, are required for special exceptions and for all multifamily, commercial, industrial, mobile home parks, and mobile home subdivisions, planned unit developments, and flood hazard or wetland development. A building permit for a project requiring a site plan shall not be issued until such site plan is approved.

(b) Rezonings

An application for rezoning shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations:

- (1) Plans, maps, studies and reports, as may reasonably be required by the planning and zoning board in order to make the findings and determinations called for in the particular case.

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- (2) Written description of the intended plan of development including present and future ownership, clearly indicating where approval will benefit the future occupants of the proposed development and the town in general.
 - (3) General location map with a north arrow, site boundaries and adjacent land uses.
 - (4) A site plan at an appropriate scale supporting the above statement illustrating:
 - a. The location, grouping and height of all uses and facilities.
 - b. In the case of residential development, the number of residential units proposed their general location and number of stories, indicating those areas to be owner occupied and those to be renter occupied.
 - c. A vehicular and pedestrian circulation system including driveways, walkways, parking areas, and streets to be dedicated.
 - d. A system of planting screens and buffers, open space and recreational uses, with estimates of acreage to be dedicated and that to be retained in common ownership.
 - e. A topographic map at a minimum five-foot interval scale showing contour lines, including all existing buildings, wooded areas, and wetlands.
 - (5) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
 - (6) Plans and schedules of development, including the staging and phasing of:
 - a. Areas to be developed, in order of priority;
 - b. The construction of streets, utilities, stormwater management and drainage and other improvements necessary to serve the proposed development; and
 - c. The dedication of land to public use.
 - (7) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment.
- (c) In reaching a decision as to whether or not the site and development plan as submitted should be approved or approved with changes, the planning and zoning board shall be guided in its decision and the exercise of its discretion to approve, to approve with conditions, or to deny by the following criteria. The planning and zoning board shall record its findings in regard to the following criteria, where applicable:
- (1) Sufficiency of statements on ownership and control of the development and permanent maintenance of common open spaces.
 - (2) Density and/or use of the proposed development with particular attention to its relationship to adjacent and nearby properties and the effect thereon and in accordance with the town's comprehensive plan.
 - (3) Ingress and egress to the site and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.
 - (4) Location and relationship of off-street parking and loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, screening and landscaping.
 - (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

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- (6) A stormwater management and drainage plan for the property in accordance with all town, county and state requirements.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) 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 communitywide open spaces and recreation facilities.
- (9) General site arrangement, amenities and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of property values.
- (10) Such other standards as may be imposed by this chapter for the particular use or activity involved.

DIVISION 2. - NONCONFORMING LOTS, USES AND STRUCTURES

Sec. 62-61. - Intent.

- (a) ~~Within the districts established by this chapter, there exist lots, structures, uses of land or water and characteristics of use which were lawful prior to December 29, 1987 before the adoption of the ordinance from which this chapter is derived, but which would be prohibited, regulated or restricted under the terms of this the current code chapter or future amendments.~~
- (b) It is the intent of ~~this chapter~~ to permit these nonconformities to continue until they are removed or otherwise discontinued. It is further the intent of ~~this chapter~~ that nonconformities shall not be used as grounds for adding other structures or other uses prohibited elsewhere in the same district. It is further the intent of ~~this chapter~~ that lots, structures, uses of land or water and characteristics of use which were lawful prior to December 29, 1987, before the adoption of the ordinance from which this chapter is derived, may be enlarged upon, or expanded as long as they meet all other requirements of the district established by this chapter.

Sec. 62-62. - Right of survivorship and conveyance.

Nonconformities in existence prior to the adoption of this section (December 29, 1987) may be permitted to continue, may be sold, conveyed, or transferred until it becomes a conforming use. It is further the intent that these existing nonconformities will be treated the same as other conforming uses in the district, however the protection of the citizens in the affected district will be governed by the district in which the nonconformity exists and not the nonconformity.

Sec. 62-63. - Work in process.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued prior to the adoption of the ordinance from which this chapter is derived. If actual construction has not begun under a permit issued prior to the adoption of the ordinance from which this chapter is derived within six months of the date of issuance of the permit, such permit shall become invalid and shall not be renewed except in conformity with this chapter.

Sec. 62-64. - Nonconforming use of open land.

~~Where open land (i.e., land not enclosed by buildings) is being used for nonconforming use, such use shall not be enlarged on the same or adjoining property.~~

Sec. 62-65. - Nonconforming use of buildings.

Commented [RF1]: Remove Section 62-64. What should "open land" be used for?

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~~Except as otherwise provided in this chapter, the lawful use of a building existing prior to December 29, 1987, at the effective date of the ordinance from which this chapter is derived may be continued although such use does not conform to the provisions hereof. The removal of nonconforming use, either due to deterioration or voluntary removal, shall result in the nonconforming use being permanently removed and shall not be replaced except in full compliance with the provisions of the code district in which the prior nonconforming use existed. See section 62-360 relating to acts of God.~~

Sec. 62-66. - Discontinuance of nonconforming uses.

- (a) ~~Whenever a nonconforming use of a building, or a portion thereof, has been changed to a conforming use, such nonconforming use shall not thereafter be reestablished and the future use shall be in conformity with the provisions of the district in which it is located~~code.
- (b) ~~Whenever a nonconforming use of a building has been changed to a conforming use, the new conforming use must meet all provisions of the code, including the off-street parking requirements of this chapter, as established in section 62-381 et seq.~~
- (c) ~~Whenever a nonconforming use is being changed to a conforming use, the continuation of an existing nonconforming use may be continued as temporary shelter during construction upon which the nonconforming use is located without a special exception, providing a permit for construction has been issued and such permit authorizes a temporary use. Such use~~The temporary shelter shall not be permitted more than 90 days after completion of construction. ~~All other requirements of the district shall remain.~~
- (d) ~~Whenever a nonconforming lot of record is nonconforming because of a nonconforming building or use exists, the nonconformity shall cease and no longer be lawful upon the first of the following circumstances to occur:~~
 - (1) ~~The nonconforming building is vacant for 180 days;~~
 - (2) ~~The nonconforming building was a residence but is no longer used as a residence for at least 180 days; or~~
 - (3) ~~The nonconforming building ceases having water service or electric power for 180 days. The 180 days shall begin to run on the date that notice in substantially the following form, which may be contained in a letter from a town official, is mailed by certified mail, return receipt requested, to:~~
 - a. ~~The owner of record as can be reasonably determined by reviewing the records of the county property appraiser on the date that such notice is given; and~~
 - b. ~~The last person to receive a statement for water service or electric service, as can be reasonably determined by the records available to the town, at such person's last known address;~~

~~Important Notice: In accordance with Section 62-66 of the Hilliard Town Code and as a courtesy to you, you are hereby notified that [insert address for the nonconforming building or lot] is a nonconforming lot or building which may no longer be lawful as a nonconforming lot or building if, among other reasons: 1) the nonconforming building is vacant for 180 days; 2) the nonconforming building was a residence but is no longer used as a residence for at least 180 days; or 3) the nonconforming building ceases having water service or electric power for 180 days. In other words, previous nonconforming uses that may have been "grandfathered in" will no longer be allowed in most instances. This may cause you or the owner, if you are not the owner, significant hardship or expense. For example, it may require the removal of a mobile home, demolition of certain structures, or significant repairs and maintenance. You are placed on notice to become familiar with the Hilliard Town Code and Section 62-66 in particular. Please govern yourself accordingly. You will most likely not be given further notice. If you have any questions, please contact the Land Use Administrator for the Town of Hilliard.~~

Sec. 62-67. - Destruction of a nonconforming use building.

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No building which has been damaged by any means to an extent of more than 60 percent of the replacement cost of the building immediately prior to damage shall be restored except in conformity with the regulations of this ~~chapter code~~, and all rights as a nonconforming use are terminated except as permitted in ~~section 62-360~~ the code. If a building is damaged by less than 60 percent of the replacement cost, it may be repaired or reconstructed and used as before the time of change, provided that such repair or reconstruction is substantially completed within 12 months of the date of such damage.

Sec. 62-68. - Nonconforming lots of record.

- (a) Where a lot or parcel of land has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record in single and separate ownership prior to December 29, 1987, such lot or parcel of land may be developed, provided the minimum yard requirements for the zoning districts in which it is located are met.
- (b) ~~In any district, a A~~ conforming use or structure on a ~~nonconforming~~ lot of record which was so recorded on or before the effective date of adoption of the ordinance from which this chapter December 29, 1987 is derived may be expanded or altered, provided other requirements of this ~~chapter code~~ are met.
- (c) ~~After the effective date of adoption of the ordinance from which this chapter is derived, n~~No lot or parcel in ~~any district~~ shall be so divided as to create a lot with an area or width below the requirements of this ~~chapter code~~
- ~~and (d) n~~No lot or parcel or portion of a lot or parcel shall be altered in a manner which causes the lot to be less compliant with the Code.

Sec. 62-69. - Nonconforming characteristics of use.

If characteristics of use such as off-street parking or loading or other matters pertaining to the use of land, structures, or premises are made nonconforming by this ~~chapter code~~, as amended, no change shall thereafter be made in such characteristics of use which increase nonconformity with the regulations set out in this ~~chapter code~~; provided, however, that changes may be made which do not increase, or which decrease, such nonconformities.

Sec. 62-70. - Repairs and maintenance.

On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of 75 percent of the current market value of the structure, or of the nonconforming portion of the structure if a nonconforming portion of the structure is involved.

Sec. 62-71. - Nonconforming structures unsafe because of maintenance.

If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the town to be an unsafe building, it shall not thereafter be restored, repaired or rebuilt except in conformance with the regulations of the ~~district code in which it is located, adopted and the Florida Building Codes and standards except in accordance with section 62-70.~~

Sec. 62-72. - Use, change.

Whenever nonconforming use has been changed to a conforming use or to a use ~~permitted in a district of greater restrictions~~, it shall not thereafter be changed back to a nonconforming use.

Secs. 62-73—62-90. - Reserved.

DIVISION 3. - PLANNING AND ZONING BOARD

Sec. 62-91. - Established; membership.

Revised – ~~3/2/2022~~7/23/2024

- (a) There is established a planning and zoning board consisting of five members, each of whom shall reside in and be qualified voters of the town and shall hold no office of profit under the town government. Members shall be appointed by the town council. ~~Members, where practical, may include a representative from the various geographic areas of the town.~~
- (b) Members of the planning and zoning board shall serve three-year terms so staggered that the terms expire in accordance with the provisions of the Charter. Any vacancy in the membership shall be filled for the unexpired term within 60 days, in the same manner as the initial appointment. A member of the planning and zoning board may be removed from office ~~for cause~~ by the affirmative vote of 80 percent of the entire town council; ~~provided that upon his request, the member so affected shall have the right to written charges and a public hearing before the council prior to such removal.~~

Sec. 62-92. - Rules of procedure.

The planning and zoning board shall adopt rules of procedure for the governance of its proceedings and the conduct of its business and may adopt such other rules relating to its internal administration as may be necessary. Such rules shall include the following:

- (1) *Officers and voting.* ~~Within 30 days of full appointment, Annually at the January meeting, the~~ planning and zoning board shall select a new chairperson and a new vice-chairperson from among its members ~~and may create such other officers as it may determine, with all such officers serving a term of one year unless removed from the office or planning and zoning board for due cause.~~ All members of the planning and zoning board shall vote in all matters before the planning and zoning board, except where absent or disqualified. Votes shall be recorded by a roll call vote.
- (2) *Minutes, public records.* The land use administrator, or a person designated by the land use administrator, shall serve as the planning and zoning board secretary, keep minutes of all its meetings and record its actions and decisions; state if a member is absent ~~or disqualified from voting~~; and make a timely report of all planning and zoning board actions to the town council. ~~All minutes shall be considered public records and shall be filed in the town hall.~~
- (3) *Meetings.* Meetings shall be held at the call of the chairperson and at such other times as a majority of the planning and zoning board may determine; provided, however, that the planning and zoning board shall hold at least one regular meeting every month, on a day to be determined by the planning and zoning board. All meetings shall be open to the public and shall be held in governmentally-owned or -leased premises.
- (4) *Quorum.* A majority of the planning and zoning board shall constitute a quorum for the purpose of meetings and transacting business.
- (5) *Disqualification of members.* ~~If any member of the planning and zoning board shall find that his private or personal interests are involved in any particular matter coming before the planning and zoning board, the member shall disqualify himself from all participation in that case; or he may be disqualified by the votes of three members of the planning and zoning board, including the members about whom the question of disqualification in the particular matter is raised.~~
- (6) *Removal of members.* The planning and zoning board may recommend removal of any member who has three or more consecutive unexcused absences.

Sec. 62-93. - Powers and duties.

The functions, powers and duties of the planning and zoning board shall be, in general, to serve in an advisory capacity to the town council on all planning and zoning matters. In this capacity, the planning and zoning board shall have the following duties and responsibilities:

- (1) Review and recommend changes in the town's comprehensive plan.
- ~~(2) Coordinate planned development with adjacent municipalities and the county.~~

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- (3) Review and make recommendations on ~~petitions~~ applications for changes in rezonings classifications, amendments and district boundary and amendments to the Land Development Regulations ~~changes~~.
- (4) Review and approve requests for special exceptions.
- (5) Review and approve site plans for all ~~proposed zoning changes~~ for multifamily, mobile home parks, mobile home subdivisions, commercial and industrial development and redevelopment and planned unit developments, variances, and all special exceptions.
- (6) Review, consider, and approve or deny applications for permits to construct, alter, or allow an airport obstruction in an airport hazard area, ~~in accordance with section 62-523~~.
- (7) Hear and decide appeals ~~where it is alleged that there is an error in any order, requirement, decision or determination~~ made by the land use administrator ~~in the enforcement of this chapter~~.
- (8) Authorize upon appeal such ~~variances from the terms of this chapter which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance~~.
- (9) Recommend to the town council the removal of the land use administrator for noncompliance with or nonenforcement of the land development regulations.

Sec. 62-94. - Procedure for hearings for comprehensive plan amendments, special exception, zoning variance and appeals.

- (a) The planning and zoning board shall make rules for the conduct of hearings related to the granting of comprehensive plan amendments, special exceptions, zoning variances and appeals ~~which shall include at least the right of any party to:~~
 - (1) ~~Present his case or defense by oral and documentary evidence.~~
 - (2) ~~Submit rebuttal evidence, and conduct such cross examination as may be required for a full and true disclosure of the facts.~~
 - (3) ~~Submit proposed findings and conclusions and supporting reasons therefor.~~
 - (4) ~~Make offers of compromise or proposals of adjustment.~~
 - (5) ~~Be accompanied, represented and advised by counsel or represent himself.~~
 - (6) ~~Be promptly notified of any action taken on any request for a zoning exception, request for a zoning variance, or appeal of any action of the planning and zoning board affecting substantive rights taken in connection with any proceedings.~~
- (b) ~~The planning and zoning board shall receive that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the law of the state.~~
- (c) ~~The planning and zoning board shall promulgate appropriate rules and regulations provided for the establishment and maintenance of a record of all requests for zoning exceptions, zoning variances, and appeals considered by it. A verbatim transcript of the record is not required but each planning and zoning board shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals. The planning and zoning board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of all its official actions.~~
- (d) ~~A final order on each request for a zoning exception or zoning variance and each appeal shall be made within 30 calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the planning and zoning board's order is based~~

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~~and may include such conditions and safeguards as prescribed by the appropriate planning and zoning board as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. The originals of the application and all orders of the planning and zoning board and one copy of the final order shall be furnished to the land use administrator and to the applicant.~~

Sec. 62-95. - Appeals.

- (a) ~~An appeal may be taken to the planning and zoning board by any person aggrieved by any decision of the land use administrator or any other administrative official or official body in the administration or enforcement of this chapter, provided such appeal is filed with the town clerk within 30 days of the date of the action which is the subject of such appeal.~~
- (b) ~~In exercising its powers, the planning and zoning board may, upon appeal and in conformity with provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination being appealed, and to that end, shall have the powers of the land use administrator and may issue the necessary permit. An 80 percent vote of the zoning board (minimum of 4 votes) is required to override a decision of the land use administrator or any other administrative official or official body in the administration or enforcement of this chapter.~~
- (c) ~~A notice of appeal shall be filed on the forms established and provided by the planning and zoning board and shall include all pertinent information required thereon.~~
- (d) ~~The planning and zoning board shall within 15 days after receipt of such notice of appeal set a reasonable time for hearing thereon and shall give notice of the time and place of the hearing to the applicant and the land use administrator.~~
- (e) ~~An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the planning and zoning board on such appeal, provided that no action shall be taken by the applicant or the land use administrator during such time which would change the status of the matter being appealed.~~

Sec. 62-96. - Review of decisions by town.

Decisions of the planning and zoning board in the granting of appeals, exceptions or variances shall be subject to review by the town council on appeal.

- (1) ~~An appeal may be taken by any person who appeared before the planning and zoning board and is adversely affected by the decision of the planning and zoning board provided such appeal is filed with the town clerk within 30 days of the date of the action which is the subject of such appeal.~~
- (2) ~~A notice of appeal shall be filed on the forms established and provided by the town clerk and shall include all pertinent information required thereon. All appeals are limited to matters raised by appellant before the planning and zoning board and procedural matters which have arisen since the planning and zoning board heard the matter.~~
- (3) ~~An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the town council on such appeal, provided that no action shall be taken by the applicant or the land use administrator during such time which would change the status of the matter being appealed.~~
- (4) ~~The town council shall within 15 days after receipt of such notice of appeal set a reasonable time limit for public hearing shall give notice of the time and place of the hearing to the appellate, applicant, and the planning and zoning board members in the manner prescribed in subsection 62-95(d).~~
- (5) ~~The town council shall find whether in its opinion error was made, and, within the terms of this section, affirm, reverse or modify the action appealed as it deems just and equitable. An 80 percent vote of the town council (minimum of four votes) is required to override a planning and zoning board decision (see section 62-129).~~

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- (6) Appeals from the decision of the town council may be appealed to the circuit court within 30 days of the date of the action which is subject to appeal.

Secs. 62-97—62-120. - Reserved.

DIVISION 4. - AMENDMENTS

~~Sec. 62-121. General authority.~~

~~This chapter may from time to time be amended, supplemented, changed or repealed and the zoning atlas may from time to time be revised by the rezoning of land as provided in this chapter.~~

Sec. 62-122. - Initiation of ~~proposals~~ Rezoning or Comprehensive Plan Amendment.

- (a) An ordinance for the rezoning of land or comprehensive plan amendment may be proposed only by the town council or any member thereof, the planning and zoning board, or the owner of the subject property, ~~his attorney,~~ or duly authorized agent, ~~or by petition of the owners of 51 percent or more of the area involved in the proposed zoning change.~~
- (b) ~~An amendment to this chapter may be proposed for adoption only by the town council or any member thereof. All such proposals shall be submitted in writing accompanied by all pertinent information which may be required by the town council for proper consideration of the matter.~~

Sec. 62-123. - Public hearing.

A public hearing shall be held by the planning and zoning board to consider a proposal for an amendment to ~~this chapter~~ land development regulations, comprehensive plan amendment or for the rezoning of land and make recommendation to the Town on the action taken. ~~Notice of such public hearing shall be made as provided in section 62-36 and any party shall be heard in person or by agent or attorney.~~

~~Sec. 62-124. Nature and requirements of planning and zoning board.~~

~~The report and recommendations to the town council as required by section 62-125 shall show that the planning and zoning board has studied and considered:~~

- ~~(1) The need and justification for the change; and~~
- ~~(2) The consistency of the proposed amendment or rezoning to the town's general planning program and to the comprehensive plan with consideration as to whether the proposed changes will further the purposes of these zoning regulations and other town codes and actions designed to implement the comprehensive plan.~~

~~Sec. 62-125. Planning and zoning board report to town council.~~

- (a) ~~Unless a longer time shall be mutually agreed upon by the town council and the planning and zoning board, in that particular case, the planning and zoning board shall submit its report and recommendation to the town council no later than 60 days from:~~
- ~~(1) The date the planning and zoning board received a proposed amendment to this chapter; or~~
 - ~~(2) The date a completed application for the rezoning of land was filed.~~
- (b) ~~Failure of the planning and zoning board to submit a report within the prescribed time shall be deemed to be a recommendation for approval of the amendment or application for rezoning. The report and recommendation of the planning and zoning board shall be advisory only and shall not be construed to be binding upon the town council.~~

Sec. 62-126. - Limitation of rezoning of land.

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- (a) No ordinance to ~~amend the Future Land Use Map (FLUM) of the Comprehensive Plan or to rezone~~ land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except ~~as provided in article V of this chapter~~rezoning to a PUD, Planned Unit Development.
- (b) ~~Whenever the town council has, by ordinance, changed the zoning classification of land, the planning and zoning board shall not then consider any application for rezoning of any part or all of the same land for a period of one year from the effective date of such ordinance.~~
- (c) ~~Whenever the town council has denied an application for a FLUM amendment or the rezoning of land, no further application shall be filed for the same rezoning of any part or all of the same land for a period of one year from the date of such action. If two or more applications for the same rezoning for any part or all of the same land have been denied, no further application shall be filed for the same rezoning of any part or all of the same land for a period of two years from the date of such act last denying the last application filed.~~
- (d) ~~Whenever an application for rezoning, exception or variance shall have been withdrawn by or at the direction of the applicant at any time prior to denial or approval or prior to final disposition of any appeal taken therefrom, no further application shall be filed for the same rezoning, exception or variance of any part or all of the same land for a period of 12 months from the date of such withdrawal.~~

~~Sec. 62-127. - Town council action and appeals.~~

~~Except in cases where an application for rezoning has been withdrawn by the owner or the owner's agent, upon receipt of the report of the planning and zoning board required by section 62-125, the town council shall set the matter for public hearing in the manner prescribed in section 62-36.~~

~~Sec. 62-128. - Action after denial.~~

~~If a petition for a zoning amendment is denied, the planning and zoning board and the town council shall not take any further action on an application for basically the same amendment within 12 months after the last application was denied, unless there has been a substantial change of facts or unless waived by the town council.~~

~~Sec. 62-129. - Denial or adoption of amendment; appeal to circuit court.~~

- (a) ~~At the conclusion of the public hearing, the town council shall either deny the proposed amendment or rezoning, or by ordinance adopt such amendment or rezoning by majority vote of the town council. In order to override a recommendation of the planning and zoning board, an 80 percent vote of the town council is required, minimum of four votes.~~
- (b) ~~Any amendment to this chapter~~the Comprehensive Plan~~m the Land Development Regulations~~ or rezoning of land established by ordinance by the town council shall be subject to appeal to the circuit court within 30 days of the date of the council action which is subject to appeal by any persons aggrieved by such action.

~~Sec. 62-130. - Amendment to comprehensive plan.~~

~~The adopted comprehensive plan shall be amended when necessitated by proposed zoning amendments as stipulated in F.S. §§ 163.3184 and 163.3187.~~

~~Secs. 62-131—62-150. - Reserved.~~

DIVISION 5. - SPECIAL EXCEPTIONS

Sec. 62-151. - Conditions and safeguards.

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In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of ~~this chapter~~ the Land Development Regulations.

Sec. 62-152. - Written application.

All applications for a special exception ~~under this chapter~~ shall be in writing in such form as may be prescribed by ~~the planning and zoning board~~ the Town.

Sec. 62-153. - Public hearing.

~~Unless a longer time shall be agreed upon by the applicant and the planning and zoning board in the particular case, shall conduct a public hearing shall be held by the planning and zoning board to consider any application for a special exception at a scheduled meeting subsequent to the date of filing of the completed application of the planning and zoning board. Notice of public hearing shall be made as provided in section 62-36 and any party shall be heard in person or by agent or attorney.~~

Sec. 62-154. - Power to deny, approve or disapprove with conditions.

The planning and zoning board has the power to deny, approve, or disapprove with conditions any special exception requested. ~~When a special exception has been approved with conditions, the planning and zoning board may, as it deems necessary for the protection of public health, safety and general welfare, impose certain conditions, limitations, or restrictions on the use requested and its premises.~~

Sec. 62-155. - Limits of uses.

Any special exception permit granted by the planning and zoning board shall allow only that use specifically described in the application and is subject to the terms or conditions expressed in ~~this chapter~~ the Land Development Regulations. ~~The expansion or extension of the conditional use beyond the scope or terms of the conditional use permit shall be unlawful and is in violation of this chapter. The planning and zoning board may suspend or revoke a special exception permit the terms or conditions of which have been violated.~~

Sec. 62-156. - Resubmittal.

If the planning and zoning board denies ~~an application~~ petition for a special exception permit, ~~the denied permit~~ another application for special exception cannot be resubmitted ~~nor can any action be taken on a new petition for basically the same special exception on the same premises for a period within of 12 months after the date the last petition~~ application was denied.

Sec. 62-157. - Review criteria.

The planning and zoning board, when considering special exception requests, shall use the following criteria as a basis for its findings:

- (1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.
- (2) Each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the town and the zoning district in which it is proposed.
- (3) The special exception will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.
- (4) The establishment of special exception will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.

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- (5) Adequate water supply and sewage disposal facilities will be provided in accordance with state, county and town health requirements. The most stringent of these requirements will apply.
- (6) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- (7) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- (8) Adequate screening and buffering of the special exception will be provided, where needed.
- (9) The special exception will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by the special exception shall be compatible with development in the zoning district.

~~Sec. 62-158. Withdrawal of application.~~

~~When application for a special exception has been withdrawn by the applicant for such special exception prior to denial, approval or final disposition of any appeal taken for the denial of such special exception, no further application shall be filed for the same special exception on the same land, or any part thereof, for a period of 12 months from the date of withdrawal.~~

~~Sec. 62-159. Screening and buffering.~~

~~Adequate screening and buffering of the special exception will be provided, where needed.~~

~~Sec. 62-160. Revocation of special exception permit.~~

~~The planning and zoning board may suspend or revoke a special exception permit if it is determined that the special exception use has become a public or private nuisance resulting from an improper or unauthorized use of the premises.~~

DIVISION 6. - VARIANCES

Sec. 62-181. - Written application.

~~All applications for a variance under this chapter shall be in writing in such form as may be prescribed by the planning and zoning board and shall be accompanied by the required fee.~~

Sec. 62-182. - Public hearing.

~~Unless a longer time shall be agreed upon by the applicant and the planning and zoning board in the particular case, a public hearing shall be held by the planning and zoning board to consider any application for a zoning variance at the next regularly scheduled meeting subsequent to the date of filing of the completed application. Notice of public hearing shall be made as provided in section 62-36, and any party shall be heard in person or by agent or attorney. Land Development Regulations.~~

Sec. 62-183. - Requirements for grant of variance.

- (a) The planning and zoning board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that realization of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the planning and zoning board shall find that:
 - (1) The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of ~~this section~~the code, which disadvantage does not apply to other properties in the vicinity;

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- (2) Because of this disadvantage, the owner is unable to make reasonable use of the affected property;
 - (3) This disadvantage does not exist because of conditions created by the owner or applicant;
 - (4) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
 - (5) The grant of the variance will:
 - a. Not be contrary to the public interest;
 - b. Not adversely affect other property in the vicinity;
 - c. Be in harmony with the spirit, intent and purpose of ~~this section~~the code; and
 - d. Not confer on the applicant any special privilege that is denied ~~by this chapter~~ to other lands, buildings or structures in the same zoning district.
- (b) In the passing upon a request for variance, the planning and zoning board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the planning and zoning board, by variance, permit ~~to be established or carried on in any use district~~ an activity, business, or operation which is not otherwise allowed in such zoning district by a specific provision of this chapter. ~~No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the approval of a variance application.~~

~~Sec. 62-184. - Withdrawal Denial of variance application.~~

When application for a variance has ~~been withdrawn~~denied by the planning and zoning board applicant for such variance prior to denial, approval or final disposition of any appeal taken from the ~~denial of such variance~~, no further application shall be filed for the same variance on the same land, or any part thereof, for a period of 12 months from the date of ~~withdrawal~~denial.

~~Sec. 62-185. - Violations of variances.~~

The violations of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Secs. 62-186—62-210. - Reserved.

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DIVISION 7. - BUILDING PERMITS AND INSPECTIONS

MOVE FROM SECTION 62 - CHAPTER 14 -**BUILDING PERMITS RESPONSIBLE OF BUILDING OFFICIAL NOT LAND USE ADMINISTRATOR**

Sec. 62-211. - Building permit application.

- (a) All applicants for a building permit, ~~in addition to the other requirements in this chapter,~~ shall submit with their applications the following:
- (1) Duplicate prints or drawings at an adequate scale of the building or structures to be built upon the lot, showing plumbing and electrical layout.
 - (2) A survey with monuments and stakes as required by a licensed surveyor, in duplicate, and drawn at an adequate scale, showing the actual dimensions and shape of the lot to be built upon. Original survey will be furnished as proof that proposed and existing buildings are within equal dimensions. The location of the building on the property, the location of waste collection areas, the layout of the trees, land and structure elevations, drainageways, off-street parking or loading spaces and other constructions are as required under the provisions of this chapter showing access and maneuvering space.
 - (3) Permits, as applicable, from state agencies such as the state department of environmental protection and the St. Johns River Water Management District.
- (b) The following provisions apply to application for building, electrical, mechanical and plumbing permits:
- (1) The applicant for a building permit shall be made by the owner or lessees, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.
 - (2) The electrical contractor or person responsible for performing electrical work shall make application for the electrical permit, certifying that installation will be made in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.
 - (3) The plumbing contractor or person responsible for performing plumbing installation shall make application for a permit, certifying that installation will be in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed. The mechanical contractor or person responsible for performing mechanical installation shall make application for a permit, certifying that installation will be in accordance with the prints or drawings specified under subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.

Sec. 62-212. - Compliance with technical codes.

All permits referenced in section **62-211** shall be issued and work shall be performed in compliance with requirements set forth in chapter 14, article II of this Code.

Sec. 62-213. - Issuance.

It shall be the duty of the building official, upon receiving applications for permits provided for in this division, to examine such applications within a reasonable time after filing, not to exceed 30 days. If, after examination, he finds no objections to such applications, and it appears that the proposed work will be in compliance with the Florida Building Code and any other applicable ~~and all~~ rules and regulations ~~made by this chapter~~ and the proposed construction will be safe, he shall approve such application. Thereafter,

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permits shall be issued and one copy of the plans returned to the applicant marked as approved and attested by his signature. If his examination reveals otherwise, he shall reject such application, noting his findings in a report to be attached to the application and disapproved plans and deliver a copy of such report to the applicant. ~~Nothing in this section shall be construed to prevent the administrative officer, upon examining such application, from issuing a permit for the construction of part of a building or structure before the entire plan and a detailed statement of such building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for examination and have been found to comply with the act relating thereto.~~

Sec. 62-214. - Inspections.

- (a) It shall be the duty of the building department to inspect and determine that buildings are located on lots in accordance with the plan submitted with the application.
- (b) Electrical, mechanical and plumbing installations shall require two inspections. The first inspection will be considered as the "rough in" inspection, and shall be made on plumbing and sewer lines, electrical wiring and outlets, AC duct and control circuits, while exposed for visual inspection, including all work that will be concealed in floors, walls, and ceilings.
- (c) The second inspection will be considered the final inspection and will be made when plumbing fixtures have been installed, electrical work completed and ready for service connection by the utility company and mechanical equipment installation completed.
- (d) When the building official has made the final inspection on electrical installation, and it appears that such installation has been made in accordance with rules and regulations of this chapter, he shall forthwith notify the electric utility company that installation is ready for service connection.
- (e) Every effort will be made to develop a schedule as to the time the administrative officer will be available in the various sections of the town, in order to avoid delays in construction.
- (f) The building inspector shall record the time and date of each and every inspection on his department's copy of each permit issued.

Sec. 62-215. - Permit fees.

- (a) No permits as provided in this division shall be issued until the appropriate permit fee shall have been paid to the ~~deputy town clerk~~ Town. The fee charged by the town for building, electrical, mechanical and plumbing permits shall be consistent with fees ~~recommended in the various codes or separately established by the town.~~
- (b) ~~If after completion it is determined by the person issuing such permit that the cost or description of the work is more than was shown on the permit, then the permit shall be corrected accordingly and any additional fees paid thereon. All fees received by the town clerk under this section shall be put into the general fund of the town.~~

Sec. 62-216. - Posting of permits.

A copy of all permits shall be kept on the premises open to public inspection during the prosecuting of the work and until the completion of such work, and final inspection made.

Sec. 62-217. - Building, electrical, mechanical and plumbing permit expiration.

- (a) If the work described in any permit has not begun within six months from the date of issuance thereof, such permit shall expire. It shall be cancelled by the building official and written notice thereof shall be given to the persons affected.
- (b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, with up to two extensions which can be permitted if work has progressed, such permit shall expire and be canceled by the building official and written notice shall be given to the persons affected.

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Sec. 62-218. - Permit revocation.

The building official may revoke any permit issued pursuant to this division in case there has been false statement or misrepresentation as to a material fact in the application or plans on which the permit was based.

Sec. 62-219. - Certificate of occupancy.

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof until a certificate of occupancy shall have been issued by the land use administrator to ensure that the building or land conforms to all the requirements of this chapter.

Sec. 62-220. - Manufactured homes older than five years.

- (a) Any manufactured home older than five years from the current calendar year shall be subject to inspection by the building official prior to being brought into the town for setup.
- (b) Any manufactured home older than five years from the current calendar year, currently set up within the town, shall be subject to an inspection by the building official prior to being relocated within said town.
- (c) The inspection fee required in ~~section 62-215(a)~~ shall be \$200.00 and shall be paid in advance to the town prior to permitting for setup.
- (d) Any items noted on pre-inspection that do not meet the minimum HUD standard shall be brought into compliance prior to the manufactured home being either brought into the town or moved within the town. This will also apply to all exterior conditions and the conditions of the roofing materials.
- (e) All manufactured homes shall have vertical or horizontal skirting and meet the wind load for the Florida Building Code and shall match with the manufactured homes color and material being skirted.
- (f) The inspection fee shall be distributed as follows: \$100.00 to the town for administrative costs and \$100.00 to the building official for the inspection. If the manufactured home is located within 30 miles from town, the mileage assessment for the building official shall be in accordance with state statutes in addition to the inspection fee, payable to the town.
- (g) The penalty for an individual bringing a manufactured home into the town that is in violation of the section shall be subject to a fine as stated in section 1-7.

ARTICLE III. - ZONING DISTRICTS ESTABLISHED; ZONING ATLAS

Sec. 62-251. - Use districts generally.

In order to regulate and restrict the location of agriculture, trades, industries, public and semipublic uses, residences, and the location of buildings erected or altered for specific uses, the incorporated area of the town must be developed according the Future Land Use Map (FLUM) of the Hilliard Comprehensive Plan and the criteria of the zoning districts described in the Land Development Regulations. ~~is hereby divided into districts or zones as shown on the zoning atlas entitled Zoning Atlas for Hilliard, Florida, and such atlas is hereby declared to be a part of this chapter. Districts as delineated on the zoning atlas are as follows, with titles and abbreviations as indicated:~~

District	Abbreviation
Agricultural, general	A-1

DIVISION 7. - BUILDING PERMITS AND INSPECTIONS

MOVE FROM SECTION 62 TO CHAPTER 14 –**BUILDING PERMITS RESPONSIBLE OF BUILDING OFFICIAL NOT LAND USE ADMINISTRATOR**

Sec. 62-211. - Building permit application.

- (a) All applicants for a building permit, ~~in addition to the other requirements in this chapter,~~ shall submit with their applications the following:
- (1) Duplicate prints or drawings at an adequate scale of the building or structures to be built upon the lot, showing plumbing and electrical layout.
 - (2) A survey with monuments and stakes as required by a licensed surveyor, in duplicate, and drawn at an adequate scale, showing the actual dimensions and shape of the lot to be built upon. Original survey will be furnished as proof that proposed and existing buildings are within equal dimensions. The location of the building on the property, the location of waste collection areas, the layout of the trees, land and structure elevations, drainageways, off-street parking or loading spaces and other constructions are as required under the provisions of this chapter showing access and maneuvering space.
 - (3) Permits, as applicable, from state agencies such as the state department of environmental protection and the St. Johns River Water Management District.
- (b) The following provisions apply to application for building, electrical, mechanical and plumbing permits:
- (1) The applicant for a building permit shall be made by the owner or lessees, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.
 - (2) The electrical contractor or person responsible for performing electrical work shall make application for the electrical permit, certifying that installation will be made in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.
 - (3) The plumbing contractor or person responsible for performing plumbing installation shall make application for a permit, certifying that installation will be in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed. The mechanical contractor or person responsible for performing mechanical installation shall make application for a permit, certifying that installation will be in accordance with the prints or drawings specified under subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.

Sec. 62-212. - Compliance with technical codes.

All permits referenced in section **62-211** shall be issued and work shall be performed in compliance with requirements set forth in chapter 14, article II of this Code.

Sec. 62-213. - Issuance.

It shall be the duty of the building official, upon receiving applications for permits provided for in this division, to examine such applications within a reasonable time after filing, not to exceed 30 days. If, after examination, he finds no objections to such applications, and it appears that the proposed work will be in compliance with the Florida Building Code and any other applicable ~~and all~~ rules and regulations ~~made by this chapter~~ and the proposed construction will be safe, he shall approve such application. Thereafter, permits shall be issued and one copy of the plans returned to the applicant marked as approved and attested by his signature. If his examination reveals otherwise, he shall reject such application, noting his findings in a report to be attached to the application and disapproved plans and deliver a copy of such

report to the applicant. ~~Nothing in this section shall be construed to prevent the administrative officer, upon examining such application, from issuing a permit for the construction of part of a building or structure before the entire plan and a detailed statement of such building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for examination and have been found to comply with the act relating thereto.~~

Sec. 62-214. - Inspections.

- (a) It shall be the duty of the building department to inspect and determine that buildings are located on lots in accordance with the plan submitted with the application.
- (b) Electrical, mechanical and plumbing installations shall require two inspections. The first inspection will be considered as the "rough in" inspection, and shall be made on plumbing and sewer lines, electrical wiring and outlets, AC duct and control circuits, while exposed for visual inspection, including all work that will be concealed in floors, walls, and ceilings.
- (c) The second inspection will be considered the final inspection and will be made when plumbing fixtures have been installed, electrical work completed and ready for service connection by the utility company and mechanical equipment installation completed.
- (d) When the building official has made the final inspection on electrical installation, and it appears that such installation has been made in accordance with rules and regulations of this chapter, he shall forthwith notify the electric utility company that installation is ready for service connection.
- (e) Every effort will be made to develop a schedule as to the time the administrative officer will be available in the various sections of the town, in order to avoid delays in construction.
- (f) The building inspector shall record the time and date of each and every inspection on his department's copy of each permit issued.

Sec. 62-215. - Permit fees.

- (a) No permits as provided in this division shall be issued until the appropriate permit fee shall have been paid to ~~the deputy town clerk~~ Town. The fee charged by the town for building, electrical, mechanical and plumbing permits shall be consistent with fees ~~recommended in the various codes or separately established by the town.~~
- (b) ~~If after completion it is determined by the person issuing such permit that the cost or description of the work is more than was shown on the permit, then the permit shall be corrected accordingly and any additional fees paid thereon. All fees received by the town clerk under this section shall be put into the general fund of the town.~~

Sec. 62-216. - Posting of permits.

A copy of all permits shall be kept on the premises open to public inspection during the prosecuting of the work and until the completion of such work, and final inspection made.

Sec. 62-217. - Building, electrical, mechanical and plumbing permit expiration.

- (a) If the work described in any permit has not begun within six months from the date of issuance thereof, such permit shall expire. It shall be cancelled by the building official and written notice thereof shall be given to the persons affected.
- (b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, with up to two extensions which can be permitted if work has progressed, such permit shall expire and be canceled by the building official and written notice shall be given to the persons affected.

Sec. 62-218. - Permit revocation.

The building official may revoke any permit issued pursuant to this division in case there has been false statement or misrepresentation as to a material fact in the application or plans on which the permit was based.

Sec. 62-219. - Certificate of occupancy.

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof until a certificate of occupancy shall have been issued by the land use administrator to ensure that the building or land conforms to all the requirements of this chapter.

Sec. 62-220. - Manufactured homes older than five years.

- (a) Any manufactured home older than five years from the current calendar year shall be subject to inspection by the building official prior to being brought into the town for setup.
- (b) Any manufactured home older than five years from the current calendar year, currently set up within the town, shall be subject to an inspection by the building official prior to being relocated within said town.
- (c) The inspection fee required in ~~section 62-215(a)~~ shall be \$200.00 and shall be paid in advance to the town prior to permitting for setup.
- (d) Any items noted on pre-inspection that do not meet the minimum HUD standard shall be brought into compliance prior to the manufactured home being either brought into the town or moved within the town. This will also apply to all exterior conditions and the conditions of the roofing materials.
- (e) All manufactured homes shall have vertical or horizontal skirting and meet the wind load for the Florida Building Code and shall match with the manufactured homes color and material being skirted.
- (f) The inspection fee shall be distributed as follows: \$100.00 to the town for administrative costs and \$100.00 to the building official for the inspection. If the manufactured home is located within 30 miles from town, the mileage assessment for the building official shall be in accordance with state statutes in addition to the inspection fee, payable to the town.
- (g) The penalty for an individual bringing a manufactured home into the town that is in violation of the section shall be subject to a fine as stated in section 1-7.

ATTACHMENT "A"**ARTICLE III. - BUILDING PERMITS AND INSPECTIONS****Sec. 14-71. - Building permit application.**

- (a) All applicants for a building permit shall submit with their applications the following:
- (1) Duplicate prints or drawings at an adequate scale of the building or structures to be built upon the lot, showing plumbing and electrical layout.
 - (2) A survey with monuments and stakes as required by a licensed surveyor, in duplicate, and drawn at an adequate scale, showing the actual dimensions and shape of the lot to be built upon. Original survey will be furnished as proof that proposed and existing buildings are within equal dimensions. The location of the building on the property, the location of waste collection areas, the layout of the trees, land and structure elevations, drainageways, off-street parking or loading spaces and other constructions are as required under the provisions of this chapter showing access and maneuvering space.
 - (3) Permits, as applicable, from state agencies such as the state department of environmental protection and the St. Johns River Water Management District.
- (b) The following provisions apply to application for building, electrical, mechanical and plumbing permits:
- (1) The applicant for a building permit shall be made by the owner or lessees, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.
 - (2) The electrical contractor or person responsible for performing electrical work shall make application for the electrical permit, certifying that installation will be made in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.
 - (3) The plumbing contractor or person responsible for performing plumbing installation shall make application for a permit, certifying that installation will be in accordance with prints or drawings specified in subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed. The mechanical contractor or person responsible for performing mechanical installation shall make application for a permit, certifying that installation will be in accordance with the prints or drawings specified under subsection (a)(1) of this section and shall also furnish such other information as may be required in order to determine the permit fee to be assessed.

Sec. 14-72. - Compliance with technical codes.

All permits referenced in section 14-71 shall be issued and work shall be performed in compliance with requirements set forth in chapter 14, article II of this Code.

Sec. 14-73. - Issuance.

It shall be the duty of the building official, upon receiving applications for permits provided for in this division, to examine such applications within a reasonable time after filing, not to exceed 30 days. If, after examination, he finds no objections to such applications, and it appears that the proposed work will be in compliance with the Florida Building Code and any other applicable ~~and all~~ rules and regulations and the proposed construction will be safe, he shall approve such application. Thereafter, permits shall be issued and one copy of the plans returned to the applicant marked as approved and attested by his signature. If his examination reveals otherwise, he shall reject such application, noting his findings in a report to be attached to the application and disapproved plans and deliver a copy of such report to the applicant.

Sec. 14-74. - Inspections.

- (a) It shall be the duty of the building department to inspect and determine that buildings are located on lots in accordance with the plan submitted with the application.
- (b) Electrical, mechanical and plumbing installations shall require two inspections. The first inspection will be considered as the "rough in" inspection, and shall be made on plumbing and sewer lines, electrical wiring and outlets, AC duct and control circuits, while exposed for visual inspection, including all work that will be concealed in floors, walls, and ceilings.
- (c) The second inspection will be considered the final inspection and will be made when plumbing fixtures have been installed, electrical work completed and ready for service connection by the utility company and mechanical equipment installation completed.
- (d) When the building official has made the final inspection on electrical installation, and it appears that such installation has been made in accordance with rules and regulations of this chapter, he shall forthwith notify the electric utility company that installation is ready for service connection.
- (e) Every effort will be made to develop a schedule as to the time the administrative officer will be available in the various sections of the town, in order to avoid delays in construction.
- (f) The building inspector shall record the time and date of each and every inspection on his department's copy of each permit issued.

Sec. 62-215. - Permit fees.

- (a) No permits as provided in this division shall be issued until the appropriate permit fee shall have been paid to Town. The fee charged by the town for building, electrical, mechanical and plumbing permits shall be consistent with fees established by the town.

Sec. 14-75. - Posting of permits.

A copy of all permits shall be kept on the premises open to public inspection during the prosecuting of the work and until the completion of such work, and final inspection made.

Sec. 14-76. - Building, electrical, mechanical and plumbing permit expiration.

- (a) If the work described in any permit has not begun within six months from the date of issuance thereof, such permit shall expire. It shall be cancelled by the building official and written notice thereof shall be given to the persons affected.
- (b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, with up to two extensions which can be permitted if work has progressed, such permit shall expire and be canceled by the building official and written notice shall be given to the persons affected.

Sec. 14-77. - Permit revocation.

The building official may revoke any permit issued pursuant to this division in case there has been false statement or misrepresentation as to a material fact in the application or plans on which the permit was based.

Sec. 14-78. - Certificate of occupancy.

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof until a certificate of occupancy shall have been issued by the land use administrator to ensure that the building or land conforms to all the requirements of this chapter.

Sec. 14-79. - Manufactured homes older than five years.

- (a) Any manufactured home older than five years from the current calendar year shall be subject to inspection by the building official prior to being brought into the town for setup.
- (b) Any manufactured home older than five years from the current calendar year, currently set up within the town, shall be subject to an inspection by the building official prior to being relocated within said town.
- (c) The inspection fee required shall be \$200.00 and shall be paid in advance to the town prior to permitting for setup.
- (d) Any items noted on pre-inspection that do not meet the minimum HUD standard shall be brought into compliance prior to the manufactured home being either brought into the town or moved within the town. This will also apply to all exterior conditions and the conditions of the roofing materials.
- (e) All manufactured homes shall have vertical or horizontal skirting and meet the wind load for the Florida Building Code and shall match with the manufactured homes color and material being skirted.
- (f) The inspection fee shall be distributed as follows: \$100.00 to the town for administrative costs and \$100.00 to the building official for the inspection. If the manufactured home is located within 30 miles from town, the mileage assessment for the building official shall be in accordance with state statutes in addition to the inspection fee, payable to the town.
- (g) The penalty for an individual bringing a manufactured home into the town that is in violation of the section shall be subject to a fine as stated in section 1-7.

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Sec. 62-218. - Permit revocation.

The building official may revoke any permit issued pursuant to this division in case there has been false statement or misrepresentation as to a material fact in the application or plans on which the permit was based.

Sec. 62-219. - Certificate of occupancy.

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof until a certificate of occupancy shall have been issued by the land use administrator to ensure that the building or land conforms to all the requirements of this chapter.

Sec. 62-220. - Manufactured homes older than five years.

- (a) Any manufactured home older than five years from the current calendar year shall be subject to inspection by the building official prior to being brought into the town for setup.
- (b) Any manufactured home older than five years from the current calendar year, currently set up within the town, shall be subject to an inspection by the building official prior to being relocated within said town.
- (c) The inspection fee required in ~~section 62-215(a)~~ shall be \$200.00 and shall be paid in advance to the town prior to permitting for setup.
- (d) Any items noted on pre-inspection that do not meet the minimum HUD standard shall be brought into compliance prior to the manufactured home being either brought into the town or moved within the town. This will also apply to all exterior conditions and the conditions of the roofing materials.
- (e) All manufactured homes shall have vertical or horizontal skirting and meet the wind load for the Florida Building Code and shall match with the manufactured homes color and material being skirted.
- (f) The inspection fee shall be distributed as follows: \$100.00 to the town for administrative costs and \$100.00 to the building official for the inspection. If the manufactured home is located within 30 miles from town, the mileage assessment for the building official shall be in accordance with state statutes in addition to the inspection fee, payable to the town.
- (g) The penalty for an individual bringing a manufactured home into the town that is in violation of the section shall be subject to a fine as stated in section 1-7.

ARTICLE III. - ZONING DISTRICTS ESTABLISHED; ZONING ATLAS

Sec. 62-251. - Use districts generally.

In order to regulate and restrict the location of agriculture, trades, industries, public and semipublic uses, residences, and the location of buildings erected or altered for specific uses, the incorporated area of the town must be developed according the Future Land Use Map (FLUM) of the Hilliard Comprehensive Plan and the criteria of the zoning districts described in the Land Development Regulations. ~~is hereby divided into districts or zones as shown on the zoning atlas entitled Zoning Atlas for Hilliard, Florida, and such atlas is hereby declared to be a part of this chapter. Districts as delineated on the zoning atlas are as follows, with titles and abbreviations as indicated:~~

District	Abbreviation
Agricultural, general	A-1

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Residential, single-family	R-1
Residential, single-family	R-2
Residential, single-family and multiple-family	R-3
Multiple-family-mobile home district	RM-4
Residential, mobile home park/subdivision	RMH
Commercial, neighborhood <u>Main Street Commercial</u>	C-N <u>MSC</u>
Commercial, general	C-1
Manufacturing, industrial warehousing	M-1

~~(Code 1997, § 62-251; Ord. No. 87-119, art. 5, 12-29-1987)~~

Sec. 62-252. - Reference to district names.

- (a) Where the phrase "agricultural district" appears in the Land Development Regulations, this chapter, the phrase shall be construed to include the A-1 district, and no others.
- (b) Where the phrases "all residential districts," "residential districts," and "zoned residentially" are used the Land Development Regulations, in this chapter, the phrases shall be construed to include A-1, R-1, R-2, R-3, RM-4, and RMH districts, and no others.
- (c) Where the phrase "commercial districts" is used the Land Development Regulations, in this chapter, the phrase shall be construed to include the ~~C-N~~ MSC and C-1 districts, and no others.
- (d) Where the phrase "industrial districts" is used in the Land Development Regulations, this chapter, the phrase shall be construed to include the M-1 district, and no others.

~~(Code 1997, § 62-252; Ord. No. 87-119, § 5-1, 12-29-1987)~~

Sec. 62-253. - Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts ~~as shown on the zoning atlas and the Future Land Use Map and Zoning Map~~, the following rules shall apply:

- ~~(1)-(4)~~ Where such
- ~~(2)~~ district boundaries are indicated as approximately following centerlines of streets and alleys, such centerlines shall be construed to be such boundaries.
- (2) ~~In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless such boundary is indicated by dimensions, shall be determined by the use of the scale appearing on the original map.~~

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- (3) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (4) Boundaries indicated as approximately following town limits shall be construed as following such town limits.
- (5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- ~~(7) Boundaries indicated as parallel to or extension of features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the zoning atlas shall be determined by the scale of the map.~~
- ~~(8) Where physical or cultural features existing on the ground are not in agreement with those shown on the zoning atlas or in other circumstances not covered by subsections (1) through (7) of this section, the planning and zoning board shall interpret the district boundaries.~~
- (9) Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this chapter is derived, the planning and zoning board may permit, as an exception, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

~~(Code 1997, § 62-253; Ord. No. 87-119, § 5-2, 12-29-1987)~~

~~Sec. 62-254. - Zoning omission.~~

~~If because of error or omission in the zoning map any property in the town is not shown as being in a zoning district, the classification of such property shall be the most restrictive zoning classification adjacent to the property, unless changed by amendment to this chapter.~~

~~(Code 1997, § 62-254; Ord. No. 87-119, § 4-5, 12-29-1987)~~

Secs. 62-255—62-280. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

Sec. 62-281. - Zoning districts exclusive.

The use provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited in such districts pending a review process by the planning and zoning board. The following chart includes the permitted uses and the permitted uses by exception for each district.

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- (3) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (4) Boundaries indicated as approximately following town limits shall be construed as following such town limits.
- (5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- ~~(7) Boundaries indicated as parallel to or extension of features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the zoning atlas shall be determined by the scale of the map.~~
- ~~(8) Where physical or cultural features existing on the ground are not in agreement with those shown on the zoning atlas or in other circumstances not covered by subsections (1) through (7) of this section, the planning and zoning board shall interpret the district boundaries.~~
- (9) Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this chapter is derived, the planning and zoning board may permit, as an exception, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

~~(Code 1997, § 62-253; Ord. No. 87-119, § 5-2, 12-29-1987)~~

~~Sec. 62-254. - Zoning omission.~~

~~If because of error or omission in the zoning map any property in the town is not shown as being in a zoning district, the classification of such property shall be the most restrictive zoning classification adjacent to the property, unless changed by amendment to this chapter.~~

~~(Code 1997, § 62-254; Ord. No. 87-119, § 4-5, 12-29-1987)~~

Secs. 62-255—62-280. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

Sec. 62-281. - Zoning districts exclusive.

The use provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited in such districts pending a review process by the planning and zoning board. The following chart includes the permitted uses and the permitted uses by exception for each district.

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USES BY ZONING DISTRICT

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>Agricultural, horticultural and forestry uses</u>						P							
<u>Air conditioning and heating contractor</u>								E	E				
<u>Airports</u>						P							
<u>Animal hospital veterinary clinic</u>						E							
<u>Animal Boarding place Facility</u>							E						
<u>Animals and Fowl</u>	E	E	E	E									
<u>Antique shop</u>							P	P	P				
<u>Archery Ranges</u>						E							
<u>Arena</u>								P	P				
<u>Athletic complex</u>						E		P	P				
<u>Auditorium</u>								P	P				
<u>Bank and financial institutions</u>							P	P	P				
<u>Billiard parlor</u>								P	E				
<u>Boat building and repairs</u>								E	P				
<u>Bowling Alley</u>								P					
<u>Building trades</u>								E	P				

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>contractor with storage yard for materials and equipment on premises</u>													
<u>Bulk storage yards, not including bulk storage of flammable liquids and acids.</u>									P				
<u>Cemeteries, crematories, mausoleums</u>	E	E	E	E	E	P							
<u>Churches</u>	E	E	E	E	E	P	P	P	E				
<u>Chickens</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>Commercial Parking Lots and Parking Garages</u>								P	E				
<u>Commercial recreation facilities</u>								P	E				
<u>Community residential homes</u>	P	P	P	P		P							
<u>Community Center</u>							P	P	E				
<u>Convenience stores</u>							E	P	E				
<u>Day Care/Child Care Centers.</u>	E	E	E	E	E	P	P	P					
<u>Delicatessen, bake shop</u>							P	P	E				
<u>Dude ranch, riding academy, or boarding stable</u>						P							
<u>Dwelling in building with business</u>							P	E	E				

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>Dwelling unit for occupancy by security guards or caretakers</u>									E				
<u>Employment offices</u>							P	P	P				
<u>Family day care homes</u>	P	P	P	P		P	P						
<u>Game preserves, wildlife management areas, fish hatcheries</u>						P							
<u>Gasoline sales</u>							E	P	E				
<u>General store</u>						E	P	P	E				
<u>Golf Driving Ranges, Par Three Miniature Golf Courses</u>						E		P					
<u>Governmental uses</u>	P					P	P					P	
<u>Home Occupation</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>Hospitals</u>								P					
<u>Horses</u>	E	E	E	E	E	E							
<u>Hotels and motels</u>							E	P					
<u>Light manufacturing, processing including food processing, packaging, or fabricating</u>									P				
<u>Manufacturing as involved in production of eyeglasses, hearing aids, prosthetic appliances, and similar products</u>								P	P				

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>Medical and dental clinic/office</u>							P	P					
<u>Multiple-family dwellings</u>			P	P			P						
<u>Mobile or manufactured home</u>	E	E	E	P		E							
<u>Mobile home parks</u>					P								
<u>Mobile home subdivisions</u>					P								
<u>Motorbus or Other Transportation Terminals</u>								P					
<u>Museum, and art gallery</u>							P	P					
<u>Outdoor fruit, vegetable, poultry, or fish markets</u>								E	E				
<u>Outdoor storage yards and lots, but not wrecking yards or junkyards</u>									P				
<u>Private Clubs</u>							E		P				
<u>Private Schools</u>	E	E	E	E	E	E							
<u>Professional and business office</u>							P	P	P				
<u>Public parks</u>										P		P	
<u>Public swimming pools</u>								P		P		P	
<u>Railroad yards</u>									P				

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>Recreational vehicle parks</u>					E			E					
<u>Restaurants without drive-in through facilities.</u>							P	P	P				
<u>Restaurants with or without drive-through facilities.</u>							E	P	P				
<u>Restaurants with alcohol sales</u>							E	E	E				
<u>Retail sales of wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art supplies, cameras or photographic supplies, sporting goods, hobby shops and musical instruments, florist or gift shop without outside sales or storage</u>							P	P	E				
<u>Retail facilities for the sale of alcoholic beverages with alcoholic content not more than 14 percent beer and wine for consumption off premises</u>							E	P	E				
<u>Retail facilities with outside sales and display outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes,</u>								E	E				

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), heavy machinery and equipment, dairy supplies, monuments.</u>													
<u>Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, art supplies, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, pet shops, veterinarian, musical instruments, television and radio (including repairs), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, home furnishings and appliances (including repairs incidental to sales), office equipment, hardware, and similar uses</u>							P	P	E				
<u>Retail sale of secondhand merchandise in a completely enclosed building</u>							P	P	E				
<u>Research laboratories</u>								P	P				

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>Rifle and gun shooting range, and archery range,</u>						E							
<u>Roosters, ducks, geese, turkeys, peafowl, pheasants, quail or any nondomestic fowl</u>	E	E	E	E	E	E							
<u>Sanitariums, nursing homes, assisted living facilities, convalescent homes, and homes for orphans and the aged</u>						E	E	P				P	
<u>Schools; colleges and universities</u>						P							
<u>Self-service laundries or dry cleaners</u>							E	P	E				
<u>Sheet Metal Fabrication</u>								E	P				
<u>Shooting galleries housed in completely enclosed buildings</u>								P	P				
<u>Single-family dwellings</u>	P	P	P	P		P	P						
<u>Service establishments such as barbershops or beauty shops, shoe repair shop, interior decorator, photographic studio, dance or music studio, tailor or dressmaker conducted in an enclosed building</u>							P	P	E				
<u>Service establishments with outside sales and storage such as</u>								E	E				

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USE	LDR	MDR	HDR		AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1			
<u>automobile filling stations; truck stops; repair and service garages; motor vehicle body shops; rental of automotive vehicles, trailers, and trucks; auto laundries; drive-in restaurants; auction houses or pawnshops; laundries or dry cleaning establishments; veterinarian or animal boarding kennels in soundproof buildings; pest control; plant nurseries or landscape contractors; carpenter or cabinet shops; home equipment rental; ice delivery stations; job printing or newspaper establishments; blueprint; funeral home; upholstery shop; boat sales; dry storage of pleasure craft; private clubs radio or television broadcasting transmitter and antenna facilities; barbershops or beauty shops; shoe repair shop; restaurant; interior decorator; photographic studio; dance or music studio; reducing salon or gymnasium; self-service laundry; or dry cleaner; tailor or dressmaker; dry cleaning and laundry package plants in completely enclosed buildings using</u>												

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USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
<u>nonflammable liquids.</u>													
<u>Skating Rinks</u>								P					
<u>Swine and non-domestic animals</u>						E							
<u>Temporary revival establishments</u>						P							
<u>Travel agencies</u>							P	P	E				
<u>Union Hall</u>							P	P	P				
<u>Veterinary Clinic</u>							E	P	P				
<u>Vocational, trade, and business schools</u>								P	P				
<u>Wholesale sales without manufacturing or storage conducted in an enclosed building</u>							E	P	P				
<u>Wholesaling, warehousing, storage, or distribution establishments with outside storage</u>								E	P				
<u>Wholesale, warehouse, or storage use, but not bulk storage of flammable liquids</u>								E	P				
<u>Yard Sales</u>	P	P	P	P	P	P	P	P	P	P	P	P	P

(Code 1997, § 62-281; Ord. No. 87-119, § 4-4, 12-29-1987; Ord. No. 97-93, § 6, 4-6-1998)

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Sec. 62-282. - Agricultural district A-1.

- (a) *Intent.* ~~This section applies to the A-1 district. This district is intended to apply to areas which are sparsely developed and includes uses as normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the A-1 district, but lands in such district may be rezoned to the proper district to accommodate such uses when conditions warrant rezoning.~~
- (b) *Permitted principal uses and structures.* **MOVED TO CHART**
- (1) ~~Agricultural, horticultural and forestry uses, including the keeping and raising of farm animals and poultry provided structures for horses, donkeys, cattle, goats and sheep shall not be located within 50 feet of any property line.~~
- (2) ~~Roadside stands where the major portion of products offered for sale are grown on the premises.~~
- (3) ~~Dude ranch, riding academy, or boarding stable provided structures for the housing of animals shall not be located within 200 feet of any property line; private camps (including day camps), country clubs, private clubs, golf courses, parks, camping grounds and recreational areas.~~
- (4) ~~Game preserves, wildlife management areas, fish hatcheries and refuges, watersheds, water reservoirs, control structures and wells.~~
- (5) ~~Churches, monasteries, convents, temporary revival establishments, cemeteries, columbariums, crematories, mausoleums.~~
- (6) ~~Schools; colleges and universities with conventional academic curriculums.~~
- (7) ~~Single family dwellings on individual lots provided that no subdivision plat shall be recorded for such use in this district.~~
- (8) ~~Airport provided FAA requirements are met.~~
- (9) ~~Day nurseries and kindergartens.~~
- (10) ~~Family day care homes as required by F.S. § 166.0445.~~
- (11) ~~Community residential homes, as defined and required by F.S. § 419.001.~~
- (12) ~~Governmental uses.~~
- (c) *Permissible uses by exception.* ~~The following uses may be permitted by exception after site plan review:~~
- (1) ~~See section 62-358.~~
- (2) ~~Radio or television broadcasting office, studio, transmitter, antenna and line of sight relay device.~~
- (3) ~~Animal hospital, veterinary clinic, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within 200 feet of any property line.~~
- (4) ~~Rifle, shotgun or pistol shooting range, field archery range, golf driving range, and Par 3 golf course.~~
- (5) ~~Sanitariums, nursing homes, convalescent homes, and homes for orphans and the aged.~~
- (6) ~~General store.~~
- (7) ~~Swine and non-domestic animals.~~
- (d) *Minimum lot requirements.*
- (1) Single-family dwelling or Mobile Homes on individual lot:
- Minimum lot width: 150 feet.
 - Minimum lot area: One acre.
- (2) Minimum lot size for all other uses: Five acres.

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- (e) *Maximum lot coverage.*
- (1) Maximum lot coverage by all buildings and accessory structures shall not exceed 25 percent of lot area.
 - (2) Other permitted or permissible use and accessory buildings shall be five percent.
- (f) *Minimum yard requirements.*
- (1) Front: 35 feet minimum.
 - (2) Side: 20 feet minimum.
 - (3) Rear: 40 feet minimum.
- (g) *Maximum height of structures.* Thirty feet in height above established grade, ~~or as permitted by exception.~~

(Code 1997, § 62-282; Ord. No. 87-119, § 6-1, 12-29-1987; Ord. No. 92-139; Ord. No. 2017-14, § 3, 8-17-2017)

Sec. 62-283. - Single-family district R-1.

- (a) *Intent.* ~~This section applies to the R-1 district. This district is intended to apply to areas which are to be developed with large lot single-family homes and ancillary residential uses normally applicable in a residential neighborhood. It is intended to limit the neighborhood density to an intensity of development that will not overcrowd the land and that can be adequately served by available public water, sewage, schools and parks. It is also designed to conserve the value of the land, buildings and resources, both natural and manmade, and to protect and maintain the character and stability of the district and the town.~~
- (b) ~~Permitted principal uses and structures.~~ **MOVED TO CHART**
- (1) ~~Single family dwellings and their customary accessory uses, including gardening when located on the same lot as the principal use.~~
 - (2) ~~Family day care homes as required by F.S. § 166.0445.~~
 - (3) ~~Community residential homes, as defined and required by F.S. § 419.001.~~
 - (4) ~~Public parks, playgrounds, playfields, community buildings and other governmental structures.~~
 - (5) ~~Permitted uses by special exception (section 62-358).~~
- (c) *Minimum lot requirements.*
- (1) Minimum lot width: 100 feet.
 - (2) Minimum lot area: 20,000 square feet.
- (d) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 30 percent of lot area.
- (e) *Maximum yard requirements.*
- (1) Front: 30 feet.
 - (2) Side: ~~The sum of both side yards shall be 25 feet; however, no side yards shall be less than ten feet in width.~~ 12.5 feet.
 - (3) Rear: 35 feet.
- (f) *Maximum height of structures.* Thirty feet in height above established grade.

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~~(Code 1997, § 62-283; Ord. No. 87-119, § 6-2, 12-29-1987; Ord. No. 92-139; Ord. No. 2000-05, § 3, 10-5-2000; Ord. No. 2003-01, § 3, 3-6-2003)~~

Sec. 62-284. - Single-family district R-2.

- (a) ~~Intent. This section applies to the R-2 district. This district is intended to apply to areas which are to be developed with medium-sized lot single-family homes and accessory residential uses applicable in a single-family residential density that is in keeping with the needs of the community and that can be served adequately by available community services and facilities. It is also designed to make available housing for the appropriate income level and to conserve land, buildings and resources as well as to conserve and protect the character and stability of the district and the town.~~
- (b) ~~Permitted principal uses and structures.~~ **MOVED TO CHART**
- (1) ~~Single-family dwelling.~~
- (2) ~~Family day care homes as required by F.S. § 166.0445.~~
- (3) ~~Community residential homes, as defined and required by F.S. § 419.001.~~
- (c) ~~Permissible uses and structures by exception. The following uses may be permitted by exception after site plan review: See section 62-358.~~
- (d) ~~Minimum lot requirements. The minimum lot requirements per one dwelling are as follows:~~
- (1) ~~Minimum lot width: 90-75 feet.~~
- (2) ~~Minimum lot area: 409,000 square feet.~~
- (e) ~~Maximum lot coverage. Maximum lot coverage by all buildings and accessory structures shall not exceed 30 percent of lot area.~~
- (f) ~~Minimum yard requirements.~~
- (1) ~~Front: 30 feet.~~
- (2) ~~Side: The sum of both side yards shall be 25 feet; however, no side yard shall be less than ten feet in width 12.5.~~
- (3) ~~Rear: 30 feet.~~
- (g) ~~Maximum height of structures. Thirty feet in height above established grade.~~

~~(Code 1997, § 62-284; Ord. No. 87-119, § 6-3, 12-29-1987; Ord. No. 92-139; Ord. No. 2000-05, § 4, 10-5-2000; Ord. No. 2003-01, § 4, 3-6-2003)~~

Sec. 62-285. - Multiple-family district R-3. **MOVED TO CHART**

- (a) ~~Intent. This section applies to the R-3 district. This district is designed to apply to areas which are to be developed with a combination of single-family and multiple-family homes on small lots as is appropriate in a multiple residential area. It is intended to create and maintain a residential district of small homes and rental dwelling units at an intensity that is in keeping with the needs of the community and can be served adequately by available community services and facilities. It is also designed to create and maintain a multiple-family housing stock to serve and protect the character and stability of the district and the town.~~
- (b) ~~Permitted principal uses and structures.~~
- (1) ~~Single-family dwelling.~~
- (2) ~~Reserved.~~
- (3) ~~Multiple-family dwellings.~~

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- (4) ~~Family day care homes as required by F.S. § 166.0445.~~
- (5) ~~Community residential homes, as defined and required by F.S. § 419.001.~~
- (e) ~~Permissible uses and structures by exception.~~ The following uses may be permitted by exception after site plan review:
- (1) ~~See section 62-358.~~
- (2) ~~Convenience store.~~
- (d) *Minimum lot requirements.* The minimum lot requirements per dwelling unit are as follows:
- (1) Minimum lot width: 70 feet.
- (2) Minimum lot area: 7,000 square feet.
- (3) Maximum units per acre: 45~~12~~.
- (4) **Maximum units per one-half acre: 7.**
- (5) **Maximum units per structure: 16.**
- (e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 35 percent of lot area or 15 units per acre.
- (f) *Minimum yard requirements.*
- (1) Front: 25 feet.
- (2) Side: The sum of both side yards shall be 25 feet; however, no side yard shall be less than ten feet in width.
- (3) Rear: 30 feet.
- (g) *Maximum height of structures.* Thirty feet in height above established grade.

(Code 1997, § 62-285; Ord. No. 87-119, § 6-4, 12-29-1987; Ord. No. 92-139; Ord. No. 2000-05, § 5, 10-5-2000; Ord. No. 2003-01, § 5, 3-6-2003; Ord. No. 2017-14, § 4, 8-17-2017)

Sec. 62-286. - Multifamily-mobile home district RM-4. **MOVED TO CHART**

- (a) *Intent.* This section applies to the RM-4 district. This district is designed to apply to areas to be set aside for development with a combination of single-family, multiple-family and mobile homes on small lots. ~~Its purpose is to create and maintain a residential district of low-cost small homes and apartments at a density that is in keeping with present development of the area and that can be adequately served by available community facilities.~~
- (b) ~~Permitted principal uses and structures.~~
- (1) ~~Single-family dwelling.~~
- (2) ~~Multiple-family dwellings.~~
- (3) ~~Mobile or manufactured home.~~
- (4) ~~Family day care homes as required by F.S. § 166.0445.~~
- (5) ~~Community residential homes, as defined and required by F.S. § 419.001.~~
- (c) ~~Permitted accessory uses and structures by exception.~~ The following uses may be permitted by exception after site plan review:
- (1) ~~See section 62-358.~~
- (2) ~~Convenience store.~~

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- (d) *Lot and building requirements.*
- (1) Minimum lot width: 75 feet.
 - (2) Minimum lot area: 9,000 square feet.
 - (3) Maximum lot unit density: One dwelling unit per 9,000 square feet of lot area.
 - (4) Maximum building capacity: 16 dwelling units ~~per~~ for each building.
 - (5) Maximum density: 12 dwelling units per acre.
- (e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 35 percent of lot area.
- (f) *Minimum yard requirements.*
- (1) Front yard: 25 feet.
 - (2) Side yard: ~~The sum of both side yards shall be 25 feet; however, no side yard shall be less than ten feet in width.~~ 12.5 feet.
 - (3) Rear yard: 30 feet.
- (g) *Maximum height of buildings.* Thirty feet in height above established grade.
- (h) ~~Applicable area.~~
- ~~(1) Boundaries: Third Avenue to Seventh Avenue; Missouri to Michigan.~~
 - ~~(2) This district may be enacted only in those areas which have 60 percent preexisting legal dwelling units at the time of adoption of the ordinance from which this chapter is derived which are mobile homes or manufactured housing.~~

~~(Code 1997, § 62-286; Ord. No. 87-119, § 6-5, 12-29-1987; Ord. No. 92-139; Ord. No. 2000-05, § 6, 10-5-2000; Ord. No. 2003-01, § 6, 3-6-2003)~~

Sec. 62-287. - Mobile home district RMH.

- (a) *Intent.* The provisions of the RMH district provides for the development of areas for individual mobile home parks for residents desiring the unique environments characteristic of mobile home living. It shall be the responsibility of those entities establishing an RMH district to provide for these areas the community services as set forth in this amendment for their orderly development.
- ~~(b) Permitted uses and structures.~~ **MOVED TO CHART**
- ~~(1) Mobile home parks.~~
 - ~~(2) Mobile home subdivisions shall be handled as prescribed in chapter 46, Subdivision Code.~~
- (c) *Permitted accessory uses and structures.*
- (1) ~~Each mobile home park shall be permitted to display one identifying sign at each park entrance, provided said sign does not exceed nine square feet and may be lighted by indirect lighting only.~~
 - (2) Each mobile home park shall be permitted to contain accessory or support facilities customarily incidental to the operation of the mobile home park as approved on the site plan. Such facilities may include recreational facilities, maintenance facilities and laundry facilities for use by the park residents.
- (d) *Permissible uses by exception.* ~~The following uses may be permitted by exception after site plan review.~~ **MOVED TO CHART**

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~~(1) Recreational vehicle parks.~~

(e) *Procedure.*

~~(1) New or revised mobile home parks shall comply with the provisions of the latest amended zoning and land development regulations.~~

~~(2) Developers of mobile home parks shall file site plans for review as required in article II, section 62-40. Said site plan shall be supplemented with a legal description of the overall development plan, mobile home spaces, open space, together with a description of the manner in which the water and sewer facilities shall be provided.~~

(f) *Minimum lot requirements.*

(1) Mobile home park.

a. Minimum site width:

1. ~~One hundred feet of frontage on a public or private road, at site ingress and egress points.~~

2. ~~Two hundred feet at the portion of the site used for mobile home stands.~~

b. Minimum site area:

1. Ten acres.

2. Maximum density of eight mobile homes per gross acre.

c. Minimum lot size for each mobile home

1. 5,000 square feet.

d. Minimum yard requirements for each mobile home

1. Front yard: 20 feet.

2. Rear yard: 10 feet.

3. Side yard: 7.5 feet.

(g) *Maximum lot coverage by all buildings and structures.* Maximum lot coverage by all buildings and structures shall not exceed 35 percent of lot area.

(h) *Minimum yard requirements.*

(1) Mobile home park:

a. ~~Front yard: Twenty-five feet from any property line any boundary of park to any mobile home stand or accessory building.~~

(i) *Mobile home parks.* All mobile home parks developed in the town shall meet the following minimum standards:

~~(1) All mobile home parks shall have a minimum area of ten acres.~~

~~(2) Each mobile home lot shall have a minimum area of 5,000 square feet.~~

~~(3) The maximum density of any mobile home park shall not exceed eight mobile home units per gross acre.~~

~~(4) Each mobile home lot shall have the following front, rear and side yards:~~

~~a. Front yard: 20 feet.~~

~~b. Rear yard: ten feet.~~

~~c. Side yard: 7½ feet.~~

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- (5) ~~Each mobile home space shall be provided with two paved off-street parking spaces as required under subsection (i)(10).~~
- (6) ~~Each mobile home shall be securely anchored in compliance with state regulations.~~
- (7) ~~Prior to occupancy, All mobile homes must be skirteds shall be installed around every mobile home.~~
- (8) ~~Each mobile home park shall be provided with adequate park or recreational areas for residents based on a have recreation standard of 150 square feet recreation area per mobile home lot.~~
- (9) All streets and roads within a mobile home park shall have a minimum width of 50 feet. Cul-de-sac or dead end streets shall have a turning radius of at least 50 feet.
- (10) ~~All streets have a minimum paved surface width of 20 feet and a minimum thickness of six inches. Any of the following pavement bases shall be utilized:~~
- a. ~~Sand-bituminous road mix.~~
 - b. ~~Florida lime rock base.~~
 - c. ~~Lime rock stabilized base (300 per square yard).~~
 - d. ~~Shell cement mix.~~
 - e. ~~Soil cement mix.~~
- (11) ~~All drainage plans for the mobile home park shall be approved by the St. Johns River Water Management District.~~
- (12) A landscaped buffer at least eight feet wide and six feet high or privacy fence six feet high with 85% opacity shall be maintained along the exterior boundary all property lines of the mobile home park.

(Code 1997, § 62-287; Ord. No. 87-119, § 6-6, 12-29-1987; Ord. No. 2004-10, § 1, 9-16-2004; Ord. No. 2017-14, § 5, 8-17-2017; Ord. No. 2019-07, § 1, 9-19-2019)

Sec. 62-288. - ~~Neighborhood commercial district~~ Main Street Commercial C-NMSC.

- (a) *Intent.* ~~This district is intended to apply to areas where small groups of selected establishments may be appropriately located to serve in a convenient travelling distance from one or several neighborhoods. The C-NMSC district is not intended for use by major commercial or service establishments such as service stations, vehicle repair and sales, hotels, etc. However, professional and business offices and similar uses are encouraged.~~
- (b) *Permitted principal uses and structures.* **MOVED TO CHART**
- (1) *Generally.*
- a. ~~Local retail sales of wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshop), art supplies, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and musical instruments, florist or gift shop, convenience stores, delicatessen, bake shop (but not wholesale bakery).~~
 - b. ~~Local service establishments such as barbershops or beauty shops, shoe repair shop, interior decorator, photographic studio, dance or music studio, tailor or dressmaker, and similar activities.~~
 - c. ~~Clinic/office, medical and dental (but not hospital), chiropractor (but not masseur), and optometrist.~~

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d. ~~Religious assembly or institution, library, museum, community center and art gallery.~~

(2) *Limitations.* ~~The uses set forth in subsection (a)(1) of this section are~~ All uses in the MSC are subject to the following limitations:

a. Sale, display, preparation, and storage to be conducted within a completely enclosed building, and

~~b. No more than 20 percent of floor space to be devoted to storage.~~

~~b. Products to be sold only at retail.~~

c. ~~No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.~~

d. No vehicles other than passenger automobiles or trucks of not more than three-quarter-ton capacity shall be used.

e. On the same premises and in connection with permitted principal uses and structures, one permanent dwelling unit only for occupancy by owners.

(c) ~~Permissible uses by exception.~~ The following uses may be permitted by exception after site plan review: **MOVED TO CHART**

(1) ~~Antique shop.~~

(2) ~~Establishments or retail facilities for the sale of alcoholic beverages with alcoholic content not more than 14 percent for consumption off premises. This subsection is not intended to limit the sale of malt beverages for off-premises consumption.~~

(3) ~~Restaurants (but not drive-in restaurants).~~

(4) ~~Self-service laundries or dry cleaners.~~

(5) ~~One gasoline pump island with not more than three pumps meeting the access and yard requirements for gasoline filling stations as an accessory use to a convenience store.~~

(d) ~~Minimum lot width requirements.~~ Seventy-five feet of accepted town street or roadway frontage and

~~(d) Minimum size - 7,500 square feet of lot area.~~

(e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 35 percent of lot area.

(f) *Minimum yard requirements.*

(1) Front: Twenty-five feet, ~~except where lot width is less than 100 feet and buildings on adjacent lots have provided a lesser front yard, the front yard shall be the average of buildings on adjacent lots, or where the lot is adjacent to residentially zoned property, or~~ the front yard shall meet requirements for such of the adjacent property.

(2) Side: Ten feet.

(3) Rear: 35 feet.

(g) *Maximum height of structures.* Thirty-five feet in height above established grade or as permitted by exception.

(h) ~~Site plan required.~~ A site plan shall be submitted by the applicant according to section 62-40.

(Code 1997, § 62-288; Ord. No. 87-119, § 6-7, 12-29-1987; Ord. No. 2014-01, § 1, 11-20-2014)

Sec. 62-289. - General commercial district C-1. **MOVED TO CHART**

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(a) *Intent.* This section applies to the C-1 district. This district is intended to apply to those areas where general commercial establishments are appropriate and are to be located so as to serve the entire community and its environs. It is not intended to provide for warehousing, production or similar facilities. It is designed to promote the orderly growth and development of the area and to permit adequate service by the street and highway system and the available community services and facilities.

(b) *Permitted principal uses and structures.*

- (1) ~~Retail outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), heavy machinery and equipment, dairy supplies, monuments. Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, art supplies, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, pet shops, veterinarian, musical instruments, television and radio (including repairs), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, home furnishings and appliances (including repairs incidental to sales), office equipment, hardware, and similar uses.~~
- (2) ~~Service establishments such as automobile filling stations; truck stops; repair and service garages; motor vehicle body shops; rental of automotive vehicles, trailers, and trucks; auto laundries; drive-in restaurants; auction houses or pawnshops; laundries or dry cleaning establishments; veterinarian or animal boarding kennels in soundproof buildings; pest control; plant nurseries or landscape contractors; carpenter or cabinet shops; home equipment rental; ice delivery stations; job printing or newspaper establishments; blueprint; funeral home; upholstery shop; boat sales; dry storage of pleasure craft; private clubs radio or television broadcasting transmitter and antenna facilities; barbershops or beauty shops; shoe repair shop; restaurant; interior decorator; photographic studio; dance or music studio; reducing salon or gymnasium; self-service laundry; or dry cleaner; tailor or dressmaker; dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable to normal senses from off the premises and similar activities.~~
- (3) ~~Medical and dental offices and clinics.~~
- (4) ~~Churches (except temporary revival establishments).~~
- (5) ~~Hotels and motels.~~
- (6) ~~Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, and homes for orphans and the aged.~~
- (7) ~~Art gallery, museum, community center, little theatre, and libraries.~~
- (8) ~~Research laboratories not involving odors, noise, smoke, or other obnoxious effects detectable to normal senses from outside the building nor involving electrical interference to any television or radio receivers off the premises, nor involving any manufacturing activities.~~
- (9) ~~Professional and business office, union halls.~~
- (10) ~~Bank and financial institutions, travel agencies, employment offices, and similar establishments.~~
- (11) ~~Commercial recreation facilities such as carnivals or circuses, open air or indoor motion picture theatres, billiard parlor, swimming pool, bowling alley, golf driving or archery ranges, par three miniature golf courses, indoor shooting galleries housed in completely enclosed buildings, skating rinks, pony rides, and similar uses.~~
- (12) ~~Miscellaneous uses such as outdoor fruit, vegetable, poultry, or fish markets.~~
- (13) ~~Athletic complex, arena, auditorium, convention center.~~

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- (14) ~~Wholesaling from sample stock only, providing no manufacturing or storage for distribution is permitted on the premises.~~
- (15) ~~Manufacturing as involved in production of eyeglasses, hearing aids, prosthetic appliances, and similar products.~~
- (16) ~~Vocational, trade, and business schools.~~
- (17) ~~Indoor and outdoor skating rink.~~
- (18) ~~Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and parking garages, motorbus or other transportation terminals.~~
- (19) ~~Sale of secondhand merchandise in a completely enclosed building.~~
- (c) ~~Permissible uses by exception.~~ The following uses may be permitted by exception after site plan review:
- (1) ~~Wholesale, warehouse, or storage use, but not bulk storage of flammable liquids.~~
- (2) ~~Building trades contractor with storage yard for materials and equipment on premises.~~
- (3) ~~Boat building and repairs.~~
- (4) ~~Air conditioning and heating contractor or sheet metal fabrication.~~
- (5) ~~Recreational vehicle parks.~~
- (6) ~~One dwelling unit located in the same building as the main business for occupancy by the business owner and family.~~
- (d) ~~Minimum lot requirements~~width. Seventy-five feet of accepted town street or roadway frontage and
- (d) ~~Minimum size~~. 7,500 square feet of lot area.
- (e) ~~Maximum lot coverage~~. Maximum lot coverage for building and accessory structures shall not exceed 35 percent of lot area.
- (f) ~~Minimum yard requirements~~.
- (1) ~~Front: Ten feet or, except where the lot width is less than 100 feet and buildings on adjacent lots have provided a lesser front yard, the front yard shall be the average of buildings on adjacent lots, or where the lot is adjacent to residentially zoned property, the front yard shall meet requirements for such of the adjacent property.~~
- (2) ~~Side: None, if an existing building on an the adjacent lot is built on the property line, or if the adjacent lot is vacant. Except where no space is left between buildings on adjacent lots, a space of at least six feet shall be left between such buildings.~~
- (3) ~~Rear: Ten feet.~~
- (g) ~~Maximum height of structures~~. Thirty-five feet in height above established grade or as permitted by exception.
- (h) ~~Site plan required~~. A site plan shall be submitted by the applicant according to section 62-40

~~(Code 1997, § 62-289; Ord. No. 87-119, § 6-8, 12-29-1987; Ord. No. 97-93, § 7, 4-6-1998; Ord. No. 2007-19, § 3, 1-17-2008; Ord. No. 2017-18, § 2, 1-18-2018)~~

Sec. 62-290. - Manufacturing and industrial warehousing district M-1.

- (a) ~~Intent. This section applies to the M-1 district.~~ This district is intended to apply to those areas where manufacturing, warehousing and other industrial uses are appropriate and are to be located where they can be best served by the street and highway system, water, sewer and other community services. Development shall be limited by the adequacy of services and resources available and

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shall be permitted as necessary to maintain the character, value and stability of the district and the town.

(b) *Permitted principal uses and structures.* Any use permitted in the C-1 commercial district. **MOVED TO CHART**

- ~~(1) Wholesaling, warehousing, storage, or distribution establishments and similar uses.~~
- ~~(2) Light manufacturing, processing including food processing, packaging, or fabricating.~~
- ~~(3) Printing, lithographing, publishing or similar establishments.~~
- ~~(4) Bulk storage yards, not including bulk storage of flammable liquids and acids.~~
- ~~(5) Outdoor storage yards and lots, provided such outdoor storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier not less than eight feet high, except for the entrance and exit, and such openings shall be equipped with eight-foot-high visual barrier gates; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards used in whole or in part for scrap or salvage operations or for processing storage, display or sales of any scrap, junk automotive vehicles, or secondhand automotive parts.~~
- ~~(6) Vocational, technical, trade or industrial schools or similar uses.~~
- ~~(7) Radio or television broadcasting offices, studios, transmitters, or antennas.~~
- ~~(8) Railroad sidings and spur tracks.~~
- ~~(9) Railroad rights-of-way, tracks, sidings, yards, etc.~~
- ~~(10) All essential public services including water, sewer, gas or electrical systems such as substations, lift stations, treatment plants and similar installations.~~
- ~~(11) Private Clubs as defined in Section 6-1 of this Code.~~
- ~~(c) *Permissible use by exception.* The following use may be permitted by exception after site plan review: Restaurants, including those licensed to sell alcoholic beverages, or one dwelling unit for occupancy by security guards or caretakers.~~
- ~~(d) *Minimum lot requirements* width. Fifty feet of accepted town street or roadway frontage and lot size 10,000 square feet of lot area.~~
- ~~(e) *Minimum yard requirements.*~~
 - ~~(1) *Front:* 25 feet.~~
 - ~~(2) *Side:* None; however, where buildings are not built with party or touching walls, the minimum distance between buildings shall be ten feet.~~
 - ~~(3) *Rear:* Ten feet.~~
 - ~~(4) Wherever property zoned M-1 shall abut or adjoin property zoned primarily for single family or multifamily residential use, the property zoned M-1, for a depth of 15 feet adjoining such residential property, shall be reserved for and planted with trees and bushes to create a visual buffer between such uses 15 feet.~~
- ~~(f) *Maximum height of structures.* Thirty feet in height; or as permitted by exception.~~
- ~~(g) *Site plan required.* A site plan shall be submitted by the applicant according to section 62-40.~~

~~(Code 1997, § 62-290; Ord. No. 87-119, § 6-9, 12-29-1987; Ord. No. 2008-10, § 3, 8-7-2008; Ord. No. 2017-18, § 2, 1-18-2018)~~

Secs. 62-291—62-310. - Reserved.

ATTACHMENT "B"

Chapter 62 - ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 62-1. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. The word "used" or "occupied" include the word "intended," "designed," or "arranged" to be used or occupied. The word "lot" includes the word "plot" or "parcel." 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. The word "land" includes the word "marsh," "water," or "swamp." The word "map" shall mean the "Zoning Map of the Town of Hilliard, Florida."

Accessory use or structure means a use or structure of a nature customarily incidental and subordinate to the principal use or structure, and unless otherwise provided, on the same premises.

Alley means a public or private way which affords only a secondary means of access to property abutting thereon.

Alter or alteration means any change in size, shape, occupancy, character or use of a building or structure.

Auditorium means a room, hall, building, or part of a building used for public gatherings.

Buildable area means the portion of a lot remaining after required yards, parking, and landscaping areas have been provided. Buildings may be placed in any part of the buildable area, but limitations on percent of the lot which may be covered by buildings may require open space within the buildable area.

Building means a structure designed for shelter, storage, trade, manufacturing, religion, business, education and the like, having a roof and walls impervious to weather, and shall be subject to this Code.

Building enclosed means 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 which are pierced only by windows and normal entrance or exit doors.

Carport means an accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

Centerline of street means the line surveyed and monumented by the town or the state department of transportation. If a centerline has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

Church means a building or structure, the sole design and use of which is for religious worship and the religious program of such church.

Community residential home means a dwelling unit as defined and required by F.S. § 419.001.

Lot Coverage of buildings means that percentage of lot area that is or may be covered or occupied by buildings.

Day Care/Child Care Centers facilities that provide care to six or more children and licensed by the State of Florida to provide those services.

Density means the number of residential dwelling units permitted per acre of land, excluding land for street rights-of-way and drainage ditches.

Developable land means all of a parcel of land except:

- (1) Lands lying within proposed public rights-of-way;
- (2) Marshlands, swamps, floodplains or other environmentally sensitive lands where local, state or federal regulations otherwise prohibit development; and
- (3) Bodies of water such as ponds, lakes and reservoirs, either natural or manmade.

Dwelling means any building, or part thereof, occupied in whole or in part as the residence or living quarters of one or more persons.

Dwelling, multiple-family, means a building containing three or more dwelling units.

Dwelling, single-family, means a building containing not more than one dwelling unit designed for residential use

Dwelling, two-family, means a building containing two dwelling units.

Dwelling unit means a room or rooms connected together, constituting a separate, independent in the same structure, and containing sleeping facilities and one kitchen.

Easement means a grant from a property owner for the use of land for a specific purpose by the general public, by a corporation, or by a certain person.

Erected means and includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection.

Floor area means, 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.

Garage, private, means an accessory structure designed or used for inside 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 to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

Guesthouse means living quarters in a building separate from and in addition to the main residential building on a lot, used for intermittent or temporary occupancy by nonpaying guests; provided, that the quarters shall have no kitchen, cooking facilities or kitchen sink. The quarters shall not be rented, leased or otherwise made available for compensation of any kind.

Height of a building means the vertical distance from the established grade at the center of the front of a building to the highest point of the roof or parapet.

Hospital means a building or group of buildings licensed as a hospital under the laws of the state Florida.

Hotel, motel, means a building or a group of buildings in which sleeping accommodations rental to transients with daily or weekly charge.

Loading space, off-street, means an on-the-property space, conveniently located for pickups or deliveries. Such space shall measure not less than 12 feet by 25 feet excluding surfaced area necessary for access and maneuvering.

Lot means a parcel of land Such lot shall have frontage on a public or private street

Lot frontage means the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot depth means the distance between the front and the rearmost points of the side lot lines in the rear property lines.

Lot width means the distance between the side lot lines .

Lot of record means:

- (1) A lot which is part of a subdivision recorded in the office of the clerk of the court of Nassau County; or
- (2) A lot or parcel which has been so recorded on or before January 1, 1987.

Mobile home or manufactured home means a single-family dwelling unit that is constructed in its own permanent chassis according to the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards. *Nuisance* is an act or omission that infringes or threatens the health, morals, safety, comfort, convenience, general welfare or property values of or within the town.

Nursing home means a facility licensed under the laws of the state of Florida as nursing homes.

Professional or business Office, means an office for such operations as real estate agencies, advertising agencies, insurance agencies, travel agencies, title companies, management consultants, stockbrokers, architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians, psychiatrists, psychologists, and etc.

Open space means a parcel of land or an area of water, or a combination of land and water, within a site which shall include common recreation areas, woodland areas, parks, playgrounds, golf courses, tennis courts, nature trails, lakes and swimming pools, camping facilities and other similar open space, exclusive of streets, roads and parking areas.

Pet, household, means any domestic animal normally owned or kept as a pet, including cats, dogs, rabbits, raccoons, parrots, and pigeons.

Private street or road. A private street or road shall have a minimum width of 60 feet and approved by the Town Council.

Recreational vehicle means a vehicular portable structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes, and including travel trailers, camping trailers, pickup campers, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.

Restaurant means an establishment where food is ordered from a menu, prepared, and served for pay primarily for on site or off site consumption.

Service station means an establishment the principal business of which is for the dispensing at retail of gasoline and the service of automobile and sale of automobile accessories

Yard means a required open space other than a court unoccupied and unobstructed by any structures or portion of a structure from 30 inches above the general ground level of the graded lot 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.

Yard, front, means a yard from the front lot line of a lot adjoining a public or private street to the structure.

Through lots front yards shall be provided on all frontages of through lots.

Corner lots, must have a front yard of the required depth shall be provided on one frontage and a depth of 15 feet or one-half of the average adjacent front yard, whichever is greater. Corner lots have 2 side yards.

Yard, side, means a yard extending side property line to the structure.

Yard, rear, means a yard extending from the rear lot line to the structure of the lot between inner side yard lines

Sec. 62-2. - Scope and compliance.

The provisions of this chapter shall apply to all land, buildings, structures and to the uses within the jurisdiction of the town. No land, building or structure shall be moved, added to or enlarged, altered or maintained, except in conformity with the provisions of this chapter. All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved in the town shall be in conformity with the provisions of this chapter.

Sec. 62-3. - Purpose and policy.

- (a) The purpose of this chapter is to promote, protect, and improve in accordance with the comprehensive plan and with present and future needs, the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the town; to conserve the value of land, buildings and resources; and to protect the character and maintain the stability of residential, agriculture, business and industrial areas and promote the orderly development of such areas.
- (b) The districts and regulations contained herein are designed to provide orderly growth; to decrease the traffic congestion on public streets and highways; to provide adequate light and air; to promote civic amenities of beauty and visual interest; and to regulate density of population and thus prevent the overcrowding of land in order to facilitate the provision for adequate community service and facilities such as water, sewerage, schools, and parks; and to help accomplish the goals and objectives of the comprehensive plan.

Sec. 62-4. - Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the town.

Sec. 62-5. - Conflict with other legal documents.

It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open space than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the strictest provisions shall govern.

Sec. 62-6. - Remedies.

The violation of any of the codes, regulations, restrictions and limitations promulgated under the provisions of this chapter may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the town council, or by any person or other group or body affected by the violation of any such regulation, restriction or limitation.

Sec. 62-7. - Penalties.

Violations of this chapter are punishable as provided in section 1-7.

Sec. 62-8. - Liability.

The granting of approval of any structure or use shall not constitute representation, guarantee or warranty of any kind or nature by the town or the town planning and zoning board by any officer or employee thereof of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result thereto.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 62-32. - Appointed officials and employees.

It shall be within the powers of the town council to contract a land use administrator and appoint such other town employees as the council may deem necessary in order to enforce and administer the provisions of this chapter and any order or resolution made under authority thereof.

Sec. 62-33. - Powers and duties of the land use administrator's office.

The land use administrator shall administer and enforce the provisions of this chapter. The duties of the land use administrator are to:

- (1) Provide for the processing of all applications for rezoning, comprehensive plan amendments, variances, and Special Exceptions.
- (2) Keep records of applications, complaints filed, and notices or orders issued related to this chapter.
- (3) Record changes in zoning district and Future Land Use Map boundaries.
- (5) Assist applicants in understanding the provisions of this chapter.
- (7) Suggest to the planning and zoning board and the town council modifications to the Land Development Regulations and the Comprehensive Plan.
- (9) Review all applications for building permits for compliance with the Comprehensive Plan and Land Development Regulations.
- (10) Review all applications for permits proposing to construct, alter, or allow an airport obstruction in an airport hazard area. The land use administrator's signature, stating approval or disapproval, is required on all building permit applications before a building permit is issued.

Sec. 62-34. - Schedule of fees.

- (a) Fees as set by resolution of the town council shall apply to action under this chapter. A receipt showing payment of the applicable fee shall accompany an application prior to consideration thereof.
- (b) If the applicant does not appear at the advertised public hearing and the planning and zoning board votes to postpone the public hearing as provided for in section 62-37, the applicant shall bear the additional costs of readvertising and renotifying adjacent property owners. Such costs shall be paid prior to the rescheduled hearing.

Sec. 62-35. - Limitation on exceptions and variances.

The planning and zoning board may adopt the following conditions to any exception or variance:

- (1) The exception or variance shall be nontransferable and granted to the applicant only and restrict transfer of land to maintain the exception or variance.
- (2) Place a time period on the exception or variance. Failure to exercise the exception or variance within the time period approved shall render the exception or variance invalid and all rights granted thereunder shall terminate.
- (3) Whenever the planning and zoning board has denied an application for an exception or variance, no further application shall be filed for the same exception or variance on any part or all of the same property for a period of one year from the date of such action.

- (4) The time limits of subsections (2) and (3) of this section may be waived by the affirmative votes of a majority of the planning and zoning board when such action is deemed necessary to prevent injustice or to facilitate the proper development of the town.

Sec. 62-36. - Notice of public hearings.

- (a) Notice of a time and place of any required public hearings with respect to the Comprehensive Plan amendment, rezoning of land, zoning exceptions, zoning variances or appeals shall be given by the land use administrator's office at least 30 days in advance of any such hearings by the town council and at least 15 days in advance of such hearings by the planning and zoning board, via first class mail or hand delivery to all owners of real property within 300 feet of the boundaries of the land upon which rezoning, exception, variance or appeal is requested, together with identical notice to the owner of the land for which rezoning or other action is proposed as provided by F.S. § 166.041. The notification costs shall be paid by the petitioner. Failure of owners of lands adjoining the parcel upon which such rezoning or other action is proposed to receive notice of hearings shall in no way affect the validity of the action taken.
- (b) Notice of any public hearing shall be published once in a newspaper of local general circulation with publication at least 15 days prior to the date of hearing by the planning and zoning board, and at least 30 days prior to the date of hearing by the town council pursuant to F.S. § 166.041. The advertisement costs shall be paid by the petitioner.
- (c) The land use administrator shall cause signs to be posted on any land upon which an application for rezoning is made not less than 15 days in advance of the public hearing by the planning and zoning board and 30 days in advance of the public hearing by the town council at which such application is to be considered. Such signs shall be posted on the property by the Town, which shall possess the right to entrance upon such property. Such signs shall be in such form as required by the planning and zoning board and shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way.
- (d) The Town shall post a sign in such form as required by the planning and zoning board on the property upon which a request is made for a zoning exception or variance, such sign shall be posted not less than 15 days in advance of the public hearing by the planning and zoning board and 30 days prior to the date of the public hearing by the town council before the public on a street side of the land involved and shall be maintained by the Town until final determination has been made by the planning and zoning board on the zoning exception or variance.

Sec. 62-37. - Postponement of public hearings.

Whenever a public hearing date has been scheduled in accordance with the provisions of this chapter by the planning and zoning board, or town council, it will take the majority vote of the appropriate planning and zoning board or town council to alter such a date.

Sec. 62-38. - Amendment of application prohibited.

An application for the rezoning of land, a zoning exception, or a zoning variance shall not be allowed to be amended by the applicant at any time after the required fees have been paid to the town clerk.

Sec. 62-39. - Concurrent applications.

An application for the rezoning of land and for an exception and/or variance on all or part of the same land may be made concurrently. In such cases, the application for a zoning exception and/or variance shall be held in abeyance by the planning and zoning board until action has been taken by the town council on the application for the rezoning of such land.

Sec. 62-40. - Site plan review.

- (a) Site plans, as a condition to the issuance of building permits, are required for special exceptions and for all multifamily, commercial, industrial, mobile home parks, and mobile home subdivisions, planned unit developments, and flood hazard or wetland development. A building permit for a project requiring a site plan shall not be issued until such site plan is approved.

(b) Rezoning

An application for rezoning shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations:

- (1) Plans, maps, studies and reports, as may reasonably be required by the planning and zoning board in order to make the findings and determinations called for in the particular case.
 - (2) Written description of the intended plan of development including present and future ownership, clearly indicating where approval will benefit the future occupants of the proposed development and the town in general.
 - (3) General location map with a north arrow, site boundaries and adjacent land uses.
 - (4) A site plan at an appropriate scale supporting the above statement illustrating:
 - a. The location, grouping and height of all uses and facilities.
 - b. In the case of residential development, the number of residential units proposed their general location and number of stories, indicating those areas to be owner occupied and those to be renter occupied.
 - c. A vehicular and pedestrian circulation system including driveways, walkways, parking areas, and streets to be dedicated.
 - d. A system of planting screens and buffers, open space and recreational uses, with estimates of acreage to be dedicated and that to be retained in common ownership.
 - e. A topographic map at a minimum five-foot interval scale showing contour lines, including all existing buildings, wooded areas, and wetlands.
 - (5) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
 - (6) Plans and schedules of development, including the staging and phasing of:
 - a. Areas to be developed, in order of priority;
 - b. The construction of streets, utilities, stormwater management and drainage and other improvements necessary to serve the proposed development; and
 - c. The dedication of land to public use.
 - (7) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment.
- (c) In reaching a decision as to whether or not the site and development plan as submitted should be approved or approved with changes, the planning and zoning board shall be guided in its decision and the exercise of its discretion to approve, to approve with conditions, or to deny by the following criteria. The planning and zoning board shall record its findings in regard to the following criteria, where applicable:
- (1) Sufficiency of statements on ownership and control of the development and permanent maintenance of common open spaces.
 - (2) Density and/or use of the proposed development with particular attention to its relationship to adjacent and nearby properties and the effect thereon and in accordance with the town's comprehensive plan.
 - (3) Ingress and egress to the site and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian traffic, traffic

flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.

- (4) Location and relationship of off-street parking and loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, screening and landscaping.
- (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.
- (6) A stormwater management and drainage plan for the property in accordance with all town, county and state requirements.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) 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 communitywide open spaces and recreation facilities.
- (9) General site arrangement, amenities and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of property values.
- (10) Such other standards as may be imposed by this chapter for the particular use or activity involved.

DIVISION 2. - NONCONFORMING LOTS, USES AND STRUCTURES

Sec. 62-61. - Intent.

- (a) There exist lots, structures, uses of land or water and characteristics of use which were lawful prior to December 29, 1987, but which would be prohibited, regulated or restricted under the terms of ~~this~~ the current code.
- (b) It is the intent of to permit these nonconformities to continue until they are removed or otherwise discontinued. It is further the intent that nonconformities shall not be used as grounds for adding other structures or other uses prohibited. It is further the intent that lots, structures, uses of land or water and characteristics of use which were lawful prior to December 29, 1987, may be enlarged upon, or expanded as long as they meet all other requirements of the district established by this chapter.

Sec. 62-62. - Right of survivorship and conveyance.

Nonconformities in existence prior to December 29, 1987) may be permitted to continue, may be sold, conveyed, or transferred until it becomes a conforming use.

Sec. 62-65. - Nonconforming use of buildings.

The lawful use of a building existing prior to December 29, 1987, may be continued although such use does not conform to the provisions hereof. The removal of nonconforming use, either due to deterioration or voluntary removal, shall result in the nonconforming use being permanently removed and shall not be replaced except in full compliance with the provisions of the code.

Sec. 62-66. - Discontinuance of nonconforming uses.

- (a) Whenever a nonconforming use of a building, or a portion thereof, has been changed to a conforming use, such nonconforming use shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of the code.

- (b) Whenever a nonconforming use of a building has been changed to a conforming use, the new conforming use must meet all provisions of the code, including the off-street parking requirements.
- (c) Whenever a nonconforming use is being changed to a conforming use, the continuation of an existing nonconforming use may be continued as temporary shelter during construction, providing a permit for construction has been issued and such permit authorizes a temporary use. The temporary shelter shall not be permitted more than 90 days after completion of construction.
- (d) Whenever a nonconforming building or use exists, the nonconformity shall cease and no longer be lawful upon the first of the following circumstances to occur:
 - (1) The nonconforming building is vacant for 180 days;
 - (3) The nonconforming building ceases having water service or electric power for 180 days.

Sec. 62-67. - Destruction of a nonconforming use building.

No building which has been damaged by any means to an extent of more than 60 percent of the replacement cost of the building immediately prior to damage shall be restored except in conformity with the regulations of this code, and all rights as a nonconforming use are terminated except as permitted in the code. If a building is damaged by less than 60 percent of the replacement cost, it may be repaired or reconstructed and used as before the time of change, provided that such repair or reconstruction is substantially completed within 12 months of the date of such damage.

Sec. 62-68. - Nonconforming lots of record.

- (a) Where a lot or parcel of land has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record in single and separate ownership prior to December 29, 1987, such lot or parcel of land may be developed, provided the minimum yard requirements for the zoning districts in which it is located are met.
- (b) A conforming use or structure on a lot of record which was recorded on or before the December 29, 1987, may be expanded or altered, provided other requirements of this code are met.
- (c) No lot or parcel shall be ~~se~~-divided as to create a lot with an area or width below the requirements of this code
- (d) No lot or parcel or portion of a lot or parcel shall be altered in a manner which causes the lot to be less compliant with the Code.

Sec. 62-69. - Nonconforming characteristics of use.

If characteristics of use such as off-street parking or loading or other matters pertaining to the use of land, structures, or premises are made nonconforming by this code, as amended, no change shall thereafter be made in such characteristics of use which increase nonconformity with the regulations set out in this code; provided, however, that changes may be made which do not increase, or which decrease, such nonconformities.

Sec. 62-70. - Repairs and maintenance.

On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of 75 percent of the current market value of the structure, or of the nonconforming portion of the structure if a nonconforming portion of the structure is involved.

Sec. 62-71. - Nonconforming structures unsafe because of maintenance.

If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the town to be an unsafe building, it shall not thereafter be restored, repaired or rebuilt except in conformance with the regulations of the code and the Florida Building Codes.

Sec. 62-72. - Use, change.

Whenever nonconforming use has been changed to a conforming use or to a use, it shall not thereafter be changed back to a nonconforming use.

Secs. 62-73—62-90. - Reserved.

DIVISION 3. - PLANNING AND ZONING BOARD

Sec. 62-91. - Established; membership.

- (a) There is established a planning and zoning board consisting of five members, each of whom shall reside in and be qualified voters of the town and shall hold no office of profit under the town government. Members shall be appointed by the town council..
- (b) Members of the planning and zoning board shall serve three-year terms so staggered that the terms expire in accordance with the provisions of the Charter. Any vacancy in the membership shall be filled for the unexpired term within 60 days, in the same manner as the initial appointment. A member of the planning and zoning board may be removed from office ~~for cause~~ by the affirmative vote of 80 percent of the entire town council.

Sec. 62-92. - Rules of procedure.

The planning and zoning board shall adopt rules of procedure for the governance of its proceedings and the conduct of its business and may adopt such other rules relating to its internal administration as may be necessary. Such rules shall include the following:

- (1) *Officers and voting.* Annually at the January meeting, the planning and zoning board shall select a new chairperson and a new vice-chairperson from among its members, with all such officers serving a term of one year. All members of the planning and zoning board shall vote in all matters before the planning and zoning board, except where absent or disqualified. Votes shall be recorded by a roll call vote.
- (2) *Minutes, public records.* The land use administrator, or a person designated by the land use administrator, shall serve as the planning and zoning board secretary, keep minutes of all its meetings and record its actions and decisions; state if a member is absent; and make a timely report of all planning and zoning board actions to the town council.
- (3) *Meetings.* Meetings shall be held at the call of the chairperson and at such other times as a majority of the planning and zoning board may determine; provided, however, that the planning and zoning board shall hold at least one regular meeting every month, on a day to be determined by the planning and zoning board. All meetings shall be open to the public and shall be held in governmentally-owned or -leased premises.
- (4) *Quorum.* A majority of the planning and zoning board shall constitute a quorum for the purpose of meetings and transacting business.
- (6) *Removal of members.* The planning and zoning board may recommend removal of any member who has three or more consecutive unexcused absences.

Sec. 62-93. - Powers and duties.

The functions, powers and duties of the planning and zoning board shall be, in general, to serve in an advisory capacity to the town council on all planning and zoning matters. In this capacity, the planning and zoning board shall have the following duties and responsibilities:

- (1) Review and recommend changes in the town's comprehensive plan.
- (3) Review and make recommendations on applications for rezonings classifications, amendments and district boundary and amendments to the Land Development Regulations.

- (4) Review and approve requests for special exceptions.
- (5) Review and approve site plans for all multifamily, mobile home parks, mobile home subdivisions, commercial and industrial development and redevelopment and planned unit developments, variances, and special exceptions.
- (6) Review, consider, and approve or deny applications for permits to construct, alter, or allow an airport obstruction in an airport hazard area.
- (7) Hear and decide appeals, decision made by the land use administrator.

Sec. 62-94. - Procedure for hearings for comprehensive plan amendments, special exception, zoning variance and appeals.

- (a) The planning and zoning board shall make rules for the conduct of hearings related to the granting of comprehensive plan amendments, special exceptions, zoning variances and appeals
- (c) The planning and zoning board shall promulgate appropriate rules and regulations provided for the establishment and maintenance of a record of all requests for zoning exceptions, zoning variances, and appeals considered by it. A verbatim transcript of the record is not required but each planning and zoning board shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals. The planning and zoning board shall keep minutes of its proceedings, .
- (d) A final order on each request for a zoning exception or zoning variance and each appeal shall be made within 30 calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the planning and zoning board's order is based and may include such conditions and safeguards as prescribed by the appropriate planning and zoning board as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. The originals of the application and all orders of the planning and zoning board and one copy of the final order shall be furnished to the land use administrator and to the applicant.

Sec. 62-95. - Appeals.

- (a) An appeal may be taken to the planning and zoning board by any person aggrieved by any decision of the land use administrator, provided such appeal is filed with the town clerk within 30 days of the date of the action which is the subject of such appeal.
- (b) In exercising its powers, the planning and zoning board may, upon appeal and in conformity with provisions of this chapter, reverse or affirm, wholly or partly, or may modify, decision appealed. An 80 percent vote of the zoning board (minimum of 4 votes) is required to override a decision of the land use administrator.
- (c) A notice of appeal shall be filed on the forms established and provided by the planning and zoning board and shall include all pertinent information required thereon.
- (d) The planning and zoning board shall within 15 days after receipt of such notice of appeal set a reasonable time for hearing thereon and shall give notice of the time and place of the hearing to the applicant and the land use administrator.
- (e) An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the planning and zoning board on such appeal.

Sec. 62-96. - Review of decisions by town.

Decisions of the planning and zoning board in the granting of appeals, exceptions or variances shall be subject to review by the town council on appeal.

- (1) An appeal may be taken by any person who appeared before the planning and zoning board and is adversely affected by the decision of the planning and zoning board provided such

appeal is filed with the town clerk within 30 days of the date of the action which is the subject of such appeal.

- (2) A notice of appeal shall be filed on the forms established and provided by the town clerk and shall include all pertinent information required thereon. All appeals are limited to matters raised by appellant before the planning and zoning board and procedural matters which have arisen since the planning and zoning board heard the matter.
- (3) An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the town council on such appeal.
- (4) The town council shall within 15 days after receipt of such notice of appeal set a reasonable time limit for public hearing shall give notice of the time and place of the hearing to the appellate, applicant, and the planning and zoning board members .
- (5) The town council shall find whether in its opinion error was made, and, within the terms of this section, affirm, reverse or modify the action appealed as it deems just and equitable. An 80 percent vote of the town council (minimum of four votes) is required to override a planning and zoning board decision.
- (6) Appeals from the decision of the town council may be appealed to the circuit court within 30 days of the date of the action which is subject to appeal.

Secs. 62-97—62-120. - Reserved.

DIVISION 4. - AMENDMENTS

Sec. 62-122. - Initiation of Rezoning or Comprehensive Plan Amendment.

- (a) An ordinance for the rezoning of land or comprehensive plan amendment may be proposed only by the town council or any member thereof, the planning and zoning board, or the owner of the subject property or duly authorized agent.

Sec. 62-123. - Public hearing.

A public hearing shall be held by the planning and zoning board to consider a proposal for an amendment to land development regulations, comprehensive plan amendment or for the rezoning of land and make recommendation to the Town on the action taken.

Sec. 62-126. - Limitation of rezoning of land.

- (a) No ordinance to amend the Future Land Use Map (FLUM) of the Comprehensive Plan or to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except rezoning to a PUD, Planned Unit Development.
- (b) Whenever the town council has, by ordinance, changed the Future Land Use Map designation or zoning classification of land, the planning and zoning board shall not then consider any application for rezoning of any part or all of the same land for a period of one year from the effective date of such ordinance.
- (c) Whenever the town council has denied an application for a FLUM amendment or the rezoning of land, no further application shall be filed for the same rezoning of any part or all of the same land for a period of one year from the date of such action.
- (d)

Sec. 62-129. - Denial or adoption of amendment; appeal to circuit court.

- (a) At the conclusion of the public hearing, the town council shall either deny the proposed amendment or rezoning, or by ordinance adopt such amendment or rezoning by majority vote of the town council. In order to override a recommendation of the planning and zoning board, an 80 percent vote of the town council is required, minimum of four votes.
- (b) Any amendment to the Comprehensive Plan, the Land Development Regulations or rezoning of land established by ordinance by the town council shall be subject to appeal to the circuit court within 30 days of the date of the council action which is subject to appeal by any persons aggrieved by such action.

Secs. 62-131—62-150. - Reserved.

DIVISION 5. - SPECIAL EXCEPTIONS

Sec. 62-151. - Conditions and safeguards.

In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of the Land Development Regulations.

Sec. 62-152. - Written application.

All applications for a special exception shall be in writing in such form as may be prescribed by the Town.

Sec. 62-153. - Public hearing.

The planning and zoning board, shall conduct a public hearing to consider any application for a special exception at a scheduled meeting of the planning and zoning board.

Sec. 62-154. - Power to deny, approve or disapprove with conditions.

The planning and zoning board has the power to deny, approve, or disapprove with conditions any special exception requested. When a special exception has been approved with conditions, the planning and zoning board may, as it deems necessary for the protection of public health, safety and general welfare, impose certain conditions, limitations, or restrictions on the use requested and its premises.

Sec. 62-155. - Limits of uses.

Any special exception permit granted by the planning and zoning board shall allow only that use specifically described in the application and is subject to the terms or conditions expressed the Land Development Regulations. The expansion or extension of the conditional use beyond the scope or terms of the conditional use permit shall be unlawful . The planning and zoning board may suspend or revoke a special exception permit the terms or conditions of which have been violated.

Sec. 62-156. - Resubmittal.

If the planning and zoning board denies an application for a special exception permit, another application for special exception cannot be resubmitted nor can any action be taken on a new petition for basically the same special exception on the same premises for a period of 12 months after the date the application was denied.

Sec. 62-157. - Review criteria.

The planning and zoning board, when considering special exception requests, shall use the following criteria as a basis for its findings:

- (1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.
- (2) Each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the town and the zoning district in which it is proposed.
- (3) The special exception will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.
- (4) The establishment of special exception will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- (5) Adequate water supply and sewage disposal facilities will be provided in accordance with state, county and town health requirements. The most stringent of these requirements will apply.
- (6) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- (7) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- (8) Adequate screening and buffering of the special exception will be provided, where needed.
- (9) The special exception will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by the special exception shall be compatible with development in the zoning district.

DIVISION 6. - VARIANCES

Sec. 62-181. - Written application.

All applications for a variance shall be in writing in such form as may be prescribed by Town and shall be accompanied by the required fee.

Sec. 62-182. - Public hearing.

A public hearing shall be held by the planning and zoning board to consider any application for a zoning variance. Notice of public hearing shall be made as provided in the Land Development Regulations.

Sec. 62-183. - Requirements for grant of variance.

- (a) The planning and zoning board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that realization of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the planning and zoning board shall find that:
 - (1) The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of the code, which disadvantage does not apply to other properties in the vicinity;
 - (2) Because of this disadvantage, the owner is unable to make reasonable use of the affected property;
 - (3) This disadvantage does not exist because of conditions created by the owner or applicant;
 - (4) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

- (5) The grant of the variance will:
- a. Not be contrary to the public interest;
 - b. Not adversely affect other property in the vicinity;
 - c. Be in harmony with the spirit, intent and purpose of the code; and
 - d. Not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district.
- (b) In the passing upon a request for variance, the planning and zoning board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the planning and zoning board, by variance, permit an activity, business, or operation which is not otherwise allowed in such zoning . No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the approval of a variance application.

Sec. 62-184. - Denial of variance application.

When application for a variance has denied by the planning and zoning board , no further application shall be filed for the same variance on the same land, or any part thereof, for a period of 12 months from the date of denial.

Secs. 62-186—62-210. - Reserved.

ARTICLE III. - ZONING DISTRICTS ESTABLISHED; ZONING ATLAS

Sec. 62-251. - Use districts generally.

In order to regulate and restrict the location of agriculture, trades, industries, public and semipublic uses, residences, and the location of buildings erected or altered for specific uses, the incorporated area of the town must be developed according the Future Land Use Map (FLUM) of the Hilliard Comprehensive Plan and the criteria of the zoning districts described in the Land Development Regulations. Districts as delineated are as follows, with titles and abbreviations as indicated:

District	Abbreviation
Agricultural, general	A-1
Residential, single-family	R-1
Residential, single-family	R-2
Residential, single-family and multiple-family	R-3
Multiple-family-mobile home district	RM-4
Residential, mobile home park/subdivision	RMH
Main Street Commercial	MSC
Commercial, general	C-1
Manufacturing, industrial warehousing	M-1

Sec. 62-252. - Reference to district names.

- (a) Where the phrase "agricultural district" appears in the Land Development Regulations, ~~this chapter~~, the phrase shall be construed to include the A-1 district, and no others.
- (b) Where the phrases "all residential districts," "residential districts," and "zoned residentially" are used the Land Development Regulations, ~~in this chapter~~, the phrases shall be construed to include A-1, R-1, R-2, R-3, RM-4, and RMH districts, and no others.
- (c) Where the phrase "commercial districts" is used the Land Development Regulations, the phrase shall be construed to include the MSC and C-1 districts, and no others.
- (d) Where the phrase "industrial districts" is used in the Land Development Regulations, , the phrase shall be construed to include the M-1 district, and no others.

Sec. 62-253. - Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts and the Future Land Use Map and Zoning Map, the following rules shall apply:

- Where such boundaries are indicated as approximately following centerlines of streets and alleys, such centerlines shall be construed to be such boundaries.
 - (2) In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless such boundary is indicated by dimensions, shall be determined by the use of the scale appearing on the original map.
 - (3) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - (4) Boundaries indicated as approximately following town limits shall be construed as following such town limits.
 - (5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - (6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Secs. 62-255—62-280. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

Sec. 62-281. - Zoning districts exclusive.

The use provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited. The following chart includes the permitted uses and the permitted uses by exception for each district.

USES BY ZONING DISTRICT

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
Agricultural, horticultural and forestry uses						P							
Air conditioning and heating contractor								E	E				
Airports						p							
Animal hospital veterinary clinic						E							
Animal Boarding place Facility							E						
Animals and Fowl	E	E	E	E									
Antique shop							P	P	P				
Archery Ranges						E							
Arena								P	P				
Athletic complex						E		P	P				
Auditorium								P	P				
Bank and financial institutions							P	P	P				
Billiard parlor								P	E				
Boat building and repairs								E	P				
Bowling Alley								P					
Building trades								E	P				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
contractor with storage yard for materials and equipment on premises													
Bulk storage yards, not including bulk storage of flammable liquids and acids.									P				
Cemeteries, crematories, mausoleums	E	E	E	E	E	P							
Churches	E	E	E	E	E	P	P	P	E				
Chickens	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Parking Lots and Parking Garages								P	E				
Commercial recreation facilities								P	E				
Community residential homes	P	P	P	P		P							
Community Center							P	P	E				
Convenience stores							E	P	E				
Day Care/Child Care Centers.	E	E	E	E	E	P	P	P					
Delicatessen, bake shop							P	P	E				
Dude ranch, riding academy, or boarding stable						P							
Dwelling in building with business							P	E	E				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
Dwelling unit for occupancy by security guards or caretakers									E				
Employment offices							P	P	P				
Family day care homes	P	P	P	P		P	P						
Game preserves, wildlife management areas, fish hatcheries						P							
Gasoline sales							E	P	E				
General store						E	P	P	E				
Golf Driving Ranges, Par Three Miniature Golf Courses						E		P					
Governmental uses	P					P	P					P	
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P
Hospitals								P					
Horses	E	E	E	E	E	E							
Hotels and motels							E	P					
Light manufacturing, processing including food processing, packaging, or fabricating									P				
Manufacturing as involved in production of eyeglasses, hearing aids, prosthetic appliances, and similar products								P	P				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
Medical and dental clinic/office							P	P					
Multiple-family dwellings			P	P			P						
Mobile or manufactured home	E	E	E	P		E							
Mobile home parks					P								
Mobile home subdivisions					P								
Motorbus or Other Transportation Terminals								P					
Museum, and art gallery							P	P					
Outdoor fruit, vegetable, poultry, or fish markets								E	E				
Outdoor storage yards and lots, but not wrecking yards or junkyards									P				
Private Clubs							E		P				
Private Schools	E	E	E	E	E	E							
Professional and business office							P	P	P				
Public parks										P		P	
Public swimming pools								P		P		P	
Railroad yards									P				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
Recreational vehicle parks					E			E					
Restaurants without drive-in through facilities.							P	P	P				
Restaurants with or without drive-through facilities.							E	P	P				
Restaurants with alcohol sales							E	E	E				
Retail sales of wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art supplies, cameras or photographic supplies, sporting goods, hobby shops and musical instruments, florist or gift shop without outside sales or storage							P	P	E				
Retail facilities for the sale of alcoholic beverages with alcoholic content not more than 14 percent beer and wine for consumption off premises							E	P	E				
Retail facilities with outside sales and display. outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes,								E	E				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), heavy machinery and equipment, dairy supplies, monuments.													
Retail outlets for sale of goods and services							P	P	E				
Retail sale of secondhand merchandise in a completely enclosed building							P	P	E				
Research laboratories								P	P				
Rifle and gun shooting range, and archery range,						E							
Roosters, ducks, geese, turkeys, peafowl, pheasants, quail or any nondomestic fowl	E	E	E	E	E	E							
Sanitariums, nursing homes, and assisted living facilities.						E	E	P				P	
Schools; colleges and universities						P							
Self-service laundries or dry cleaners							E	P	E				
Sheet Metal Fabrication								E	P				
Shooting galleries								P	P				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
housed in completely enclosed buildings													
Single-family dwellings	P	P	P	P		P	P						
Service establishments conducted in an enclosed building							P	P	E				
Service establishments with outside sales and storage.								E	E				
Skating Rinks								P					
Swine and non-domestic animals						E							
Temporary revival establishments						P							
Travel agencies							P	P	E				
Union Hall							P	P	P				
Veterinary Clinic							E	P	P				
Vocational, trade, and business schools								P	P				
Wholesale sales without manufacturing or storage conducted in an enclosed building							E	P	P				
Wholesaling, warehousing, storage, or distribution establishments with outside storage								E	P				
Wholesale, warehouse,								E	P				

USE	LDR	MDR	HDR			AGR	MSC	COM	IND	REC	CON	INS	MU
	R-1	R-2	R-3	RM-4	RMH	A-1	C-N MSC	C-1	M-1				
or storage use, but not bulk storage of flammable liquids													
Yard Sales	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P

Sec. 62-282. - Agricultural district A-1.

(a) *Intent.* district is intended to apply to areas which are sparsely developed and agriculture in nature.

(d) *Minimum lot requirements.*

(1) Single-family dwelling or Mobile Homes on individual lot:

a. Minimum lot width: 150 feet.

b. Minimum lot area: One acre.

(2) Minimum lot size for all other uses: Five acres.

(e) *Maximum lot coverage.*

(1) Maximum lot coverage by all buildings and accessory structures shall not exceed 25 percent of lot area.

(2) Other permitted or permissible use and accessory buildings shall be five percent.

(f) *Minimum yard requirements.*

(1) Front: 35 feet minimum.

(2) Side: 20 feet minimum.

(3) Rear: 40 feet minimum.

(g) *Maximum height of structures.* Thirty feet in height above established grade.

Sec. 62-283. - Single-family district R-1.

(a) *Intent.* This district is intended to apply to areas which are to be developed with large lot single-family homes and ancillary residential uses normally applicable in a residential neighborhood.

(c) *Minimum lot requirements.*

(1) Minimum lot width: 100 feet.

(2) Minimum lot area: 20,000 square feet.

(d) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 30 percent of lot area.

(e) *Maximum yard requirements.*

- (1) Front: 30 feet.
- (2) Side: 12.5 feet.
- (3) Rear: 35 feet.

(f) *Maximum height of structures.* Thirty feet in height above established grade.

Sec. 62-284. - Single-family district R-2.

(a) *Intent.* This district is intended to apply to areas which are to be developed with medium-sized lot single-family homes and accessory residential uses applicable in a single-family residential density that is in keeping with the needs of the community and that can be served adequately by available community services and facilities.

(c) *Permissible uses and structures by exception.*

(d) *Minimum lot requirements.* The minimum lot requirements per one dwelling are as follows:

- (1) Minimum lot width: 75 feet.
- (2) Minimum lot area: 9,000 square feet.

(e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 30 percent of lot area.

(f) *Minimum yard requirements.*

- (1) Front: 30 feet.
- (2) Side: 12.5.
- (3) Rear: 30 feet.

(g) *Maximum height of structures.* Thirty feet in height above established grade.

Sec. 62-285. - Multiple-family district R-3.

(a) *Intent.* This district is designed to apply to areas which are to be developed with a combination of single-family and multiple-family homes on small lots as is appropriate in a multiple residential area. It is intended to create and maintain a residential district of small homes and rental dwelling units at an intensity that is in keeping with the needs of the community and can be served adequately by available community services and facilities. It is also designed to create and maintain a multiple-family housing stock to serve and protect the character and stability of the district and the town.

(d) *Minimum lot requirements.* The minimum lot requirements per dwelling unit are as follows:

- (1) Minimum lot width: 70 feet.
- (2) Minimum lot area: 7,000 square feet.
- (3) Maximum units per acre: 12.

(e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 35 percent of lot area or 15 units per acre.

(f) *Minimum yard requirements.*

- (1) Front: 25 feet.
- (2) Side: The sum of both side yards shall be 25 feet; however, no side yard shall be less than ten feet in width.
- (3) Rear: 30 feet.

(g) *Maximum height of structures.* Thirty feet in height above established grade.

Sec. 62-286. - Multifamily-mobile home district RM-4.

- (a) *Intent.* This section applies to the RM-4 district. This district is designed to apply to areas to be set aside for development with a combination of single-family, multiple-family and mobile homes on small lots that can be adequately served by available community facilities.
- (d) *Lot and building requirements.*
- (1) Minimum lot width: 75 feet.
 - (2) Minimum lot area: 9,000 square feet.
 - (3) Maximum lot unit density: One dwelling unit per 9,000 square feet of lot area.
 - (4) Maximum building capacity: 16 dwelling units for each building.
 - (5) Maximum density: 12 dwelling units per acre.
- (e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 35 percent of lot area.
- (f) *Minimum yard requirements.*
- (1) Front yard: 25 feet.
 - (2) Side yard: 12.5 feet.
 - (3) Rear yard: 30 feet.
- (g) *Maximum height of buildings.* Thirty feet in height above established grade.

Sec. 62-287. - Mobile home district RMH.

- (a) *Intent.* The provisions of the RMH district provides for the development of areas for individual mobile home parks for residents desiring the unique environments characteristic of mobile home living. It shall be the responsibility of those entities establishing an RMH district to provide for these areas the community services as set forth in this amendment for their orderly development.
- (c) *Permitted accessory uses and structures.*
- (1)
 - (2) Each mobile home park shall be permitted to contain accessory or support facilities customarily incidental to the operation of the mobile home park as approved on the site plan. Such facilities may include recreational facilities, maintenance facilities and laundry facilities for use by the park residents.
- (f) *Minimum lot requirements.*
- (1) Mobile home park.
 - a. Minimum site width:
 1. One hundred feet of frontage on a public or private road .
 - 2.
 - b. Minimum site area:
 1. Ten acres.
 2. Maximum density of eight mobile homes per gross acre.
 - c. Minimum lot size for each mobile home
 1. 5,000 square feet.
 - d. Minimum yard requirements for each mobile home
 1. Front yard: 20 feet.

2. Rear yard: 10 feet.
3. Side yard: 7.5 feet.

- (g) *Maximum lot coverage by all buildings and structures.* Maximum lot coverage by all buildings and structures shall not exceed 35 percent of lot area.
- (h) *Minimum yard requirements.*
- (1) Mobile home park:
 - a. ~~Front yard:~~ Twenty-five feet from any property line.
- (i) *Mobile home parks.* All mobile home parks developed in the town shall meet the following minimum standards:
- (7) All mobile homes must be skirted
 - (8) Each mobile home park shall have ~~recreation standard of~~ 150 square feet recreation area per mobile home lot.
 - (9) All streets and roads within a mobile home park shall have a minimum width of 50 feet. Cul-de-sac or dead end streets shall have a turning radius of at least 50 feet.
 - (10)
 - (12) A landscaped buffer at least eight feet wide and six feet high or privacy fence six feet high with 85% opacity shall be maintained along all property lines of the mobile home park.

Sec. 62-288. - Main Street Commercial MSC.

- (a) *Intent.* The MSC district is not intended for use by major commercial or service establishments such as service stations, vehicle repair and sales, hotels, etc. However, professional and business offices and similar uses are encouraged.
- (b) *Permitted principal uses and structures.*
- (2) *Limitations.* All uses in the MSC are subject to the following limitations:
 - a. Sale, display, preparation, and storage to be conducted within a completely enclosed building, and
 - b. No more than 20 percent of floor space to be devoted to storage.
 - d. No vehicles other than passenger automobiles or trucks of not more than three-quarter-ton capacity shall be used.
 - e. On the same premises and in connection with permitted principal uses and structures, one permanent dwelling unit only for occupancy by owners. yard requirements for gasoline filling stations as an accessory use to a convenience store.
- (c) *Minimum lot width.* Seventy-five feet
- (d) Minimum lot size - 7,500 square feet.
- (e) *Maximum lot coverage.* Maximum lot coverage by all buildings and accessory structures shall not exceed 35 percent of lot area.
- (f) *Minimum yard requirements.*
- (1) Front: Twenty-five feet or the front yard shall meet requirements of the adjacent property.
 - (2) Side: Ten feet.
 - (3) Rear: 35 feet.

- (g) *Maximum height of structures.* Thirty-five feet in height above established grade or as permitted by exception.

Sec. 62-289. - General commercial district C-1.

- (a) *Intent.* This district is intended to apply to those areas where general commercial establishments are appropriate and are to be located so as to serve the entire community and its environs. It is not intended to provide for warehousing, production or similar facilities. It is designed to promote the orderly growth and development of the area and to permit adequate service by the street and highway system and the available community services and facilities.
- (c) *Minimum lot width.* Seventy-five feet
- (d) Minimum lot size. 7,500 square feet.
- (e) *Maximum lot coverage.* Maximum lot coverage for building and accessory structures shall not exceed 35 percent of lot area.
- (f) *Minimum yard requirements.*
- (1) *Front:* Ten feet or the front yard shall meet requirements of the adjacent property.
 - (2) *Side:* None, if the adjacent lot is built on the property line, or if the adjacent lot is vacant.
 - (3) *Rear:* Ten feet.
- (g) *Maximum height of structures.* Thirty-five feet in height above established grade or as permitted by exception.

Sec. 62-290. - Manufacturing and industrial warehousing district M-1.

- (a) *Intent.* This district is intended to apply to those areas where manufacturing, warehousing and other industrial uses are appropriate and are to be located where they can be best served by the street and highway system, water, sewer and other community services. Development shall be limited by the adequacy of services and resources available and shall be permitted as necessary to maintain the character, value and stability of the district and the town.
- (b) *Permitted principal uses and structures.*
- (c) *Minimum lot width.* Fifty feet of ~~accepted town street or roadway frontage and~~
- (d) Minimum lot size 10,000 square feet.
- (e) *Minimum yard requirements.*
- (1) *Front:* 25 feet.
 - (2) *Side:* None.
 - (3) *Rear:* Ten feet.
 - (4) Adjoins residential property: 15 feet.
- (f) *Maximum height of structures.* Thirty feet in height; ~~or as permitted by exception.~~

Secs. 62-291—62-310. - Reserved.

ARTICLE V. - PLANNED UNIT DEVELOPMENTS

Sec. 62-311. - Definition.

For the purpose of this chapter, a planned unit development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A

LDR AMENDMENT PROCESS SECTION 62-281 C-1 DISTRICT PERMITTED USES DAYCARES & CHILDCARE CENTERS						
ACTION DATE	BOARD	MEETING TYPE	ACTION PLAN	ACTION FOR	DATE FOR ACTION	DAYS OR TIME
6/2	TC	RM	APPROVAL OF DATES	AMEND LDR'S		DAY 1
6/3	TC		SEND 1ST PH TO NCR	ADVERTISE	6/16	
6/8	TC		NCR RUN 1ST PH	ADVERTISE	6/16	8 DAYS
6/16	TC	PH RM	HOLD 1ST PH & 1ST READ	ORDINANCE	6/16	
6/23	TC		SEND 2ND PH TO NCR	ADVERTISE	8/4	
6/29	TC		NCR RUN 2ND PH	ADVERTISE	8/4	36 DAYS
8/4	TC	PH RM	HOLD 2ND PH & 2ND READ	ORDINANCE	8/4	DAY 63
LDR AMENDMENT PROCESS REVIEW DATES						
ACTION DATE	BOARD	MEETING TYPE	ACTION PLAN	ACTION FOR	DATE FOR ACTION	DAYS OR TIME
6/2	TC	RM	SET JOINT WS DATES	AMEND LDR'S		
6/13	P&Z TC	JWS	REVIEW ARTICLES I, II, III & IV	AMEND LDR'S	TBD	6PM
TBD	P&Z TC	JWS	REVIEW ARTICLES VI & VII	AMEND LDR'S	TBD	TBD
TBD	P&Z TC	JWS	REVIEW ARTICLES V, XIII, XIV, XV, XVI &	AMEND LDR'S	TBD	TBD
TBD	P&Z TC	JWS	REVIEW ARTICLES XI & XII	AMEND LDR'S	TBD	TBD
NO. OF PAGES	PAGE NO.	ARTICLE	ARTICLE TITLE	NO. OF PAGES	ARTICLE	ARTICLE TITLES GROUPED
4	1	I	General	4	I	General
11	5	II	Administration and enforcement	11	II	Administration and enforcement
2	16	III	Zoning Districts Established; Zoning Atlas	2	III	Zoning Districts Established; Zoning Atlas
11	17	IV	District Regulations	11	IV	District Regulations
2	29	V	Planned Unit Developments	10	VI	Supplementary Regulations
10	32	VI	Supplementary Regulations	3	VII	Signs
3	42	VII	Signs	2	V	Planned Unit Developments
19	45	VIII	Flood Damage Prevention	2	XIII	Subdivision
5	64	IX	Airport Zoning	2	XIV	Platting
6	69	X	Proportionate Fair Share	1	XV	Design Standards
11	75	XI	Landscaping	3	XVI	Required Improvements
6	86	XII	Trees	6	X	Proportionate Fair Share
2	91	XIII	Subdivision	11	XI	Landscaping
2	93	XIV	Platting	6	XII	Trees
1	95	XV	Design Standards	49	VIII	Flood Damage Prevention
3	96	XVI	Required Improvements	5	IX	Airport Zoning