



**MILTON PLANNING BOARD**  
**Regular Meeting Agenda**

November 15, 2022  
5:00 PM  
6738 Dixon Street  
Milton, FL 32570

- 1. Call Meeting to Order**
- 2. Review and Approval of Agenda**
- 3. Approval of Minutes**

Item # 2022-989

Approval of Minutes from October 18, 2022, meeting

- 4. Citizens to Appear Before the Board**
- 5. Economic Development Update**
- 6. New Business**
- 7. Old Business**

Item # 2022-990

CRA Plan Update

Item # 2022-991

Neighborhood Retail Commercial Zoning District

Item # 2022-992

Update to the City's Unified Development Code

- 8. Planning Department Update**
- 9. Adjournment**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 48 hours before the meeting by contacting City Hall, 6738 Dixon Street, Milton, or by calling 983-5410.

*"If any person decides to appeal any decision made by the board, agency, or commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." FS 286.0105*



Agenda Item # 2022-989

## Approval of Minutes from October 18, 2022, meeting

### MEETING DATE

November 15, 2022

### PREPARED BY

Melissa Short, Admin  
Assistant/Permit Clerk/Assistant  
City Clerk

### BACKGROUND

### SUMMARY

### RECOMMENDATION

### ATTACHMENTS

1. MPB October Minutes 2022

**MILTON PLANNING BOARD****October 18, 2022**

The Milton Planning Board met on Tuesday, October 18, 2022, at 5:00 p.m. in the Council Chambers at City Hall.

**PRESENT:** Jimmy Messick  
Kathy Ellis  
Amber Leek  
Laura Austin  
Tom Powers  
Randy Pierce  
Steve Dobbs

Tim Milstead, Planning Director  
Lyndsey Benton, Current Planner/Zoning Officer  
Jacob Hullett, Assistant Planner/Mitigation Specialist

Chairman Jimmy Messick called the meeting to order at 5:00 p.m. Tom Powers made a motion to approve the agenda it passed unanimously. The September 20, 2022, minutes were approved through motion by Kathy Ellis, seconded by Tom Powers; approved unanimously.

**ECONOMIC DEVELOPMENT UPDATE:**

Tim Milstead explained that there is an additional \$40,000 in the budget for the Business Improvement Program this fiscal year and eight businesses were awarded business improvement grants with matching funds last fiscal year. There will be additional funds for a new Residential Façade Improvement Program that will start very soon. Mr. Milstead explained the wastewater treatment plant is running out of capacity and the city needs the new wastewater treatment plant to be constructed.

**NEW BUSINESS:**

**Annual Election of Chairman and Vice Chairman** – Kathy Ellis nominated Tom Powers to be Chairman, seconded by Amber Leek; approved 7-0. Jimmy Messick nominated Steve Dobbs to be Vice Chairman, seconded by Kathy Ellis; approved 7-0.

**OLD BUSINESS:**

**CRA Plan Update** – Tim Milstead explained this was brought back for the board members to review with updated changes. Lyndsey Benton reviewed the

updates to the CRA Boundary in reference to Russell Harbor Landing, population totals, the Court House being moved, Gulf Power to Florida Power and Light, updated the map for the parking facilities for downtown Milton. Staff will indicate on-street parking on Elmira Street and will update the CRA Map. The board decided to continue to review this and bring it back to the next meeting.

**Neighborhood Retail Commercial Zoning District** – Tim Milstead briefed the board on the conceptual language change to the Neighborhood Commercial Zoning District to receive their input. Mr. Milstead explained staff is looking at increasing setback and buffer standards for commercial developments adjacent to residential areas and modifying standards for Commercial Planning Development Projects.

**Update to the City's Unified Development Code** – Tim Milstead provided a working draft of the City's Unified Development Code and explained that staff is currently reviewing Article 9. Staff is open to any changes that the board feels are needed to the UDC and will continue to keep the board updated to the changes made by staff for the boards review.

#### **PLANNING DEPARTMENT UPDATE:**

Tim Milstead explained that Publix will be opening November 2, 2022. Boomerang has reopened, the Country Gym will be opening soon, and Ronny's Car Wash will start development soon. Amber Leek made a motion to be part of the planning process of the expansion of Highway 90, seconded by Steve Dobbs; approved 7-0.

There was no further business to discuss, and the meeting was adjourned at 5:52 p.m.





Agenda Item # 2022-990  
**CRA Plan Update**

**MEETING DATE**

November 15, 2022

**PREPARED BY**

Melissa Short, Admin  
Assistant/Permit Clerk/Assistant  
City Clerk

**BACKGROUND**

**SUMMARY**

CRA Plan Update

**RECOMMENDATION**

**ATTACHMENTS**

None



Agenda Item # 2022-991

## Neighborhood Retail Commercial Zoning District

### MEETING DATE

November 15, 2022

### PREPARED BY

Melissa Short, Admin  
Assistant/Permit Clerk/Assistant  
City Clerk

### BACKGROUND

### SUMMARY

### RECOMMENDATION

### ATTACHMENTS

None



Agenda Item # 2022-992

## Update to the City's Unified Development Code

### MEETING DATE

November 15, 2022

### PREPARED BY

Melissa Short, Admin  
Assistant/Permit Clerk/Assistant  
City Clerk

### BACKGROUND

Update to the City's Unified Development Code

### SUMMARY

Update to the City's Unified Development Code, Draft UDC Working Document. Please reference Sec. 12.5, page 222-224 and section 18.3, page 339-340, as they will be specifically referenced at Tuesday's Meeting. Changes that are under review by various City Boards are labeled appropriately. All other unmarked changes are under review or proposed by staff. Staff will provide an update on significant changes to Articles 9-12.

### RECOMMENDATION

### ATTACHMENTS

1. UDC UPDATE - No Comments 11 10

## PART III UNIFIED DEVELOPMENT CODE<sup>1</sup>

### ***ADOPTING ORDINANCE***

ORDINANCE NO. 1441-16

AN ORDINANCE OF THE CITY OF MILTON, REPEALING AND REPLACING IN ITS ENTIRETY THE ZONING REGULATIONS AND LAND DEVELOPMENT REGULATIONS, REPLACING ARTICLES ONE THROUGH FIVE, GENERAL PROVISIONS, ADMINISTRATION, LAND USE AND ZONING, RESOURCE PROTECTION STANDARDS, AND DEVELOPMENT STANDARDS, RESPECTIVELY, OF PART THREE OF THE CITY OF MILTON CODE OF ORDINANCES; PROVIDING FOR PURPOSE AND INTENT; ADMINISTRATION; PROVIDING FOR DISTRICT REGULATIONS, AND OTHER DEVELOPMENT PROVISIONS AS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR CONFLICTS OF LAW, PROVIDING FOR A TIMELINE FOR THE ADOPTION OF AN OFFICIAL ZONING MAP IN KEEPING WITH THE PROVISIONS FOUND HEREIN; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

**WHEREAS**, Chapter 166 F.S. authorizes the City of Milton to establish, coordinate, and enforce laws that are necessary for the protection of the public; and

**WHEREAS**, the City of Milton has adopted a comprehensive plan pursuant to Chapter 163, F.S. to promote the health, safety, good morals, and general welfare of the community; and

**WHEREAS**, these regulations have been designed to increase the aesthetic value of the City, to allow for improved access and mobility for all modes of transportation, and to guide the future growth in a direction adherent to the adopted Comprehensive Plan; and

**WHEREAS**, the City desires to achieve orderly urban development through land subdivision; to promote and develop land to attain the best possible community environment in accordance with the comprehensive plan; and to provide for adequate municipal services and safe streets; and

**WHEREAS**, the City has this day adopted the City of Milton Unified Development Code, which is a comprehensive Code that completely supersedes the existing City of Milton Zoning Ordinance and Land Development Regulations; and

**WHEREAS**, the City intends to consolidate in one place and in logical order to avoid duplication and conflicts in terms and definitions all of its regulations pertaining to land use and development; and

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<sup>1</sup>Editor's note(s)—Printed herein is the City of Milton, Florida, Unified Development Code which derived from Ord. No. 1441-16, adopted Dec. 13, 2016. Said ordinance repealed former Part III, §§ I-1—I-12, II-1—II-11, III-1—III-15.5, IV-1—IV-6.3, V-1—V-7.41, which pertained to the land development regulations. See the Code Comparative Table for a complete derivation. The Unified Development Code has been included substantially as enacted. Words in brackets have been added by the editor for clarity. As amendments are adopted, they will be included in the proper place and a history note parenthetically enclosed will be appended to the end of the affected section. Lack of such history note indicates that the section derived unchanged from Ord. No. 1441-16.

PART II - CODE OF ORDINANCES  
PART III - UNIFIED DEVELOPMENT CODE  
ADOPTING ORDINANCE

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**WHEREAS**, the City desires to make available to all those who are concerned with land use and development to have access to the regulation thereof in one convenient ordinance which is capable of being published and distributed as a separate and comprehensive segment of the City Code as a whole; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILTON,FLORIDA:**

- I) The following Parts and Articles of the City of Milton's Code of Ordinances are hereby repealed and replaced, PART III Land Development Regulations, to include Article 1. General Provisions; Article 2, Administration; Article 3, Land Use and Zoning; Article 4, Resource Protection Standards; and Article 5, Development Standards, by the City of Milton Unified Development Code.
- II) There is hereby adopted the following regulations attached hereto which shall be known as the City of Milton Unified Development Code.
- III) The Ordinance is effective upon its passage by the Milton City Council.
- IV) If any ordinance, or any provision of any ordinance, not specified above, is inconsistent or in conflict with the Unified Development Code adopted by the City, the terms of the Unified Development Code shall take precedence and shall have superiority over any other Milton ordinance.

**SECTION 1. AUTHORITY**

This Ordinance is enacted pursuant to the Laws of Florida, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

**SECTION 2: CONFLICT**

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

**SECTION 3: SEVERABILITY**

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

**SECTION 4: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERROR**

It is the intention of the City Council for the City of Milton that the provisions of this ordinance shall become and be made a part of the City of Milton Code of Ordinances; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

It is further the intent of the City Council of the City of Milton, to establish an official zoning map and undergo the required adoption processes in keeping with the City's Code and Florida Statutes. The creation and adoption of a

PART II - CODE OF ORDINANCES  
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ADOPTING ORDINANCE

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zoning map in keeping with the tenants and provisions of the Unified Development Code, as found herein, shall occur in a timely fashion upon the adoption of this ordinance.

**SECTION 5: EFFECTIVE DATE**

The effective date of this ordinance shall be thirty (30) days from its adoption date.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Milton, Florida on the 13th day of December, 20 16.

CITY OF MILTON, FLORIDA

BY: \_\_\_\_\_  
MAYOR

ATTEST:  
CITY CLERK: \_\_\_\_\_

First Reading: Nov. 7, 2016

Second Reading: Dec. 13, 2016

Legal in form and valid when signed by the City Attorney:

**ARTICLE 1. GENERAL PROVISIONS**

**1.1 TITLE**

This Unified Development Code, which incorporates the Official Zoning Map for the City of Milton, is known, cited, and referred to as the "City of Milton Unified Development Code," "Unified Development Code," "UDC," or "Code."

**1.2 AUTHORITY**

This Unified Development Code is enacted pursuant to the requirements and authority of F.S. § 163.3202, (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general powers in F.S. Ch. 166.

**1.3 PURPOSE**

The intent of this Code is to establish land use regulations to serve the Planning Area of the City of Milton, also cited and referred to as the "Planning Area" in this Code.

The purpose of this Code is to:

- A. Promote the public health, safety, and welfare.
- B. Promote the orderly development of the Planning Area in accordance with the City of Milton Comprehensive Plan.

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- C. Divide the Planning Area into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code.
  - D. Preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the Planning Area.
  - E. Promote economic development throughout the Planning Area that balances the needs of the current and future economy with a high quality of life standard.
  - F. Provide for preservation, protection, and conservation of natural resources.
  - G. Promote the principles of sustainability and accessibility, as described and defined in the City of Milton Master Plan.
  - H. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner.
  - I. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
  - J. Focus growth to support the principles conducive to "place making" by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life.
  - K. Plan, construct, and maintain an accessible, efficient, multi-modal, transportation system that meets the needs of the public and commerce, while minimizing risks to health, safety and the environment.
  - L. Provide for efficiency and economy in the process of development.
  - M. Provide for the gradual elimination of nonconformities.

#### 1.4 INCORPORATED BY REFERENCE

- A. **City public works manual (parts dealing with construction plans and specifications) and Florida Building Code.** The City of Milton Public Works Manual, as promulgated and amended from time to time by the city technical review committee, is hereby incorporated by reference. All construction plans and specifications for improvements covered by this manual shall be in accordance with the requirements contained therein. Additionally, the most recent edition of the Florida Building Code as adopted by Santa Rosa County is hereby incorporated by reference.
- B. **Future land use, Zoning and FEMA Flood Insurance Rate Maps.** The future land use map and zoning map for the city are hereby incorporated into the UDC by reference. Additionally, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps depicting flood-prone areas are hereby incorporated into these regulations by reference.

#### 1.5 APPLICABILITY

- A. **Territorial Application.** This Code applies to all land, uses, and structures within the Planning Area of the City of Milton. A map of the Planning Area, as of the effective date of this Code, is included in Appendix A: Planning Area Map for Reference of this document for reference purposes only. The City of Milton keeps official record of the Planning Area boundaries.
- B. **General Application.** In their interpretation and application, the provisions of this Code are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

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- C. **Required Conformance.** Any portion or whole of a structure must be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Code. Any structure or land must be used and occupied in conformance with the requirements of this Code.
  - D. **Relation to Private Agreements.** This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement or covenant, this Code controls. Those charged with administration and enforcement of this Code do not enforce any private agreement.
  - E. **Relation to Other Laws and Regulations.** Unless otherwise specifically provided, this Code controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Code.
  - F. **Rules Regarding Illustrations and Graphics.** Any illustrations, graphics, and/or photos contained in this Code are to assist the reader in understanding and applying the Code. If there is any inconsistency between the text of the Code and any such illustration, graphic, or photo, the text controls unless specifically stated otherwise.

## 1.6 TRANSITION RULES

- A. **Existing Illegal Structures and Uses.** A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Code, is deemed lawful as of the effective date of this Code. However, if that structure or use does not conform to every requirement of this Code, then that structure or use remains illegal and is subject to the enforcement provisions of this Code.
- B. **Existing Uses.**
  - (1) If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Code or any subsequent amendment to this Code, and now that use is classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.
  - (2) If a structure or land is used in a manner that was classified as a use requiring a special approval prior to the effective date of this Code or any subsequent amendment to this Code, and now that use is classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.
  - (3) If a structure or land is used in a manner that was classified as a use requiring a special approval prior to the effective date of this Code or any subsequent amendment to this Code, and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Code requirements for such permitted use and is no longer subject to the approval conditions under which it was originally approved.
  - (4) If a structure or land is used in a manner that was classified as either a permitted use or a use requiring a special approval prior to the effective date of this Code or any subsequent amendment to this Code, but this Code no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 10.
- C. **Structures Rendered Nonconforming.** If a structure existing on the effective date of this Code was a conforming structure before the effective date of this Code or any subsequent amendment to this Code, but such structure does not meet all standards set forth in this Code in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 10.

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- D. **Lots Rendered Nonconforming.** If a lot existing on the effective date of this Code was a conforming lot before the effective date of this Code or any subsequent amendment to this Code, but such lot does not meet all standards set forth in this Code in the zoning district in which it is located, that lot is deemed a nonconforming lot and is controlled by the provisions of Article 10.
  - E. **Site Elements Rendered Nonconforming.** If a site element, existing on the effective date of this Code was conforming before the effective date of this Code or any subsequent amendment to this Code, but such site element does not meet all standards set forth in this Code in the zoning district in which it is located, that site element is deemed a nonconforming site element and is controlled by the provisions of Article 10.
  - F. **Previously Issued Building Permits.** If a building permit for a structure was lawfully issued prior to the effective date of this Code, or any subsequent amendment to this Code, and if construction has begun within 90 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.
  - G. **Previously Granted Variances.** All variance approvals granted prior to the effective date of this Code, or any subsequent amendment to this Code, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions.
  - H. **Pending Applications.** An application that has been received and deemed complete, and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

## 1.7 AMENDMENTS, SUPPLEMENTS, CHANGES, OR REVISIONS TO THIS UNIFIED DEVELOPMENT CODE

### A. Generally.

- (1) Any person, planning agency, or local governing body may request an amendment, supplement, change or repeal of any regulation, or restriction contained in these regulations. Applications for such change shall be submitted to the Planning and Development Department, which shall transmit the application to the local planning agency for review.
- (2) Any revision to a zoning district boundary (as shown on the zoning map) which does not alter the boundary of a land use district shown on the generalized future land use map, shall be considered a rezoning and shall follow the same procedure for public notice and hearing as required for amendments, supplements, changes or revisions to this Unified Development Code. Such rezoning shall not require a comprehensive plan amendment. Further, notice of the proposed rezoning shall be posted on the subject property at least 15 days in advance of the scheduled hearing.
- (3) Any application for a change of boundary or land use classification as depicted on the future land use map shall constitute a comprehensive plan amendment which must be recommended by the local planning agency and approved by the city council. The local planning agency will review each application and make its recommendation to the city council no later than 90 days after submission of the application. Upon all requests, the local planning agency shall either recommend to the city council that a public hearing be held and the plan amendment approved, or that no public hearing be held and the amendment denied.
- (4) Requirements regarding comprehensive plan amendments contained in F.S. Ch. 163 shall be met.
- (5) Any application for an amendment, supplement, change, modification or repeal of the content of these regulations shall follow the same procedure described in subsections (a) through (d) of this section, as applicable. Notice shall be by publication in the local newspaper and posting in city hall. Nothing in this section shall be construed as to allow changes to this Unified Development Code, which are not consistent with the adopted comprehensive plan.

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## 1.8 RULES OF INTERPRETATION

### A. Director Responsibility for Interpretation.

- (1) In the event that any question arises concerning the application of the regulations, performance standards, definitions, development criteria, or any other provision of the UDC, the planning and development director shall be responsible for the interpretation and shall look to the adopted comprehensive plan for guidance. The responsibility for interpretation by the planning and development director shall be limited to the standards, regulations, and requirements of the UDC and the public works manual.
- (2) The planning and development director's responsibility for interpretation does not include the interpretation of any technical codes adopted by reference, nor shall it be construed as overriding the responsibilities given to any commission, council, board or official named in other sections or articles of the UDC.

### B. Computation of time.

The time within which an act is to be done shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded and the next legal business day shall be computed as the last day.

### C. Delegation of authority.

Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize the delegation to professional-level subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.

### D. Generally.

- (1) In the interpretation and application of the UDC, all provisions shall be liberally construed in favor of the city's objectives and ~~purposes, and~~ purposes and deemed neither to limit nor repeal any other powers granted under state statutes.
- (2) Specific provisions control over more general provisions.
  - a. The more specific provisions of the UDC shall be followed in lieu of the more general provisions that may be more lenient or in conflict with the more specific provisions.
- (3) The terms in the text of this Code must be interpreted in accordance with the following rules of construction:
  - a. The singular number includes the plural, and the plural the singular.
  - b. The present tense includes the past and future tenses, and the future tense includes the present.
  - c. The terms "must," "shall," and "will" are mandatory, while the word "may" is permissive.
  - d. The terms "must not," "will not," "shall not," and "may not" are prohibiting.
  - e. The masculine gender includes the feminine, transgender, and neuter.
  - f. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.
  - g. The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.
  - h. The term "year" means a calendar year, unless otherwise indicated.
  - i. The term "day" means a calendar day, unless otherwise indicated.

(4) The following abbreviations are used within this Code:

- a. "GFA" is an abbreviation for "gross floor area."
- b. "ft" is an abbreviation for "feet."
- c. "N/A" is an abbreviation for "not applicable."
- d. "sf" is an abbreviation for "square feet."
- e. "SF-D" is an abbreviation for "single-family - detached."
- f. "SF-A" is an abbreviation for "single-family - attached."
- g. "2F" is an abbreviation for "two-family."
- h. "TH" is an abbreviation for "townhouse."
- i. "MF" is an abbreviation for "multi-family."
- j. "CD" is an abbreviation for "Condominium Development"
- k. "FBL" is an abbreviation for "front building line"
- l. "ROW" is an abbreviation for "right of way"

**E. Repeal of Prior Provisions.**

- (1) Any existing city ordinance duplicating or in conflict with the requirements of the UDC are hereby repealed.

**F. Not Intended to Repeal, Abrogate, etc., Existing Easements, Covenants, etc.**

- (1) This Unified Development Code is not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the county public records.

## 1.9 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Code. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

## ARTICLE 2. GENERAL DEFINITIONS AND RULES OF MEASUREMENT

### 2.1 DEFINITION OF GENERAL WORDS AND TERMS

**A. Refer to Article 7 for Use Definitions.**

**B. Definitions.**

*Abandoned Sign.*

- (1) *Abandoned Permanent Sign:* A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 365 days. A sign which has been neglected to a point of hazard which poses a threat to public health, safety, and welfare.
- (2) *Abandoned Temporary/Limited Duration Sign:* A sign which has not been removed after the permitted time frame for display has expired, a yard sale or similar event sign that remains displayed 48 hours

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after such event has ended, political campaign signs which remain displayed 30 days after the close of the campaign or from the date of removal of candidacy.

*Abutting Property.* Any property that is immediately adjacent or contiguous to a subject property or that is located immediately across any road or public right-of-way from a subject property.

*Accessibility Ramp.* A ramp or similar structure that provides wheelchair or similar access to a structure.

*Accessory Structure.* A structure located on the same lot as the principal building, which may be detached or attached, that is incidental to the use of the principal building.

*Accessory Use.* A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure. An accessory use is prohibited without the principal use to which it is related.

*Activities.* Can mean gardening and home landscaping which does not cause soil to be discharged from the site to adjacent public or private property. Such activities are exempt from the Stormwater Management Requirements.

*Addition/Enlargement.* Construction that increases the size of a structure in terms of building footprint, height, or floor area.

*Adjacent To an Environmentally Sensitive Land.* Any location immediately abutting the boundary of an environmentally sensitive land, whether the location is on or off the development site.

*Adverse Effects also Adverse Impact.*

- (1) The term "adverse effects" means any modification, alteration, or effect on waters, associated wetlands or shore lands, including their quality, quantity, hydrology, surface area, species composition or usefulness for human or natural uses which are or may be potentially harmful or injurious to:
  - a. Human health, welfare, safety and property;
  - b. Biological productivity;
  - c. Diversity or stability; or
  - d. Which unreasonably interferes with the reasonable use of property, including outdoor recreation.
- (2) The term "adverse effects" includes secondary impacts, cumulative impacts and direct impacts.
- (3) Any direct or indirect effect likely to cause, or actually causing, a decline in the stability, natural function, or natural diversity of any environmental resource or system.

*Advertising.* A message or communication meant to influence or inform, composed of linguistic and/or graphic content, intended to promote the sale or use of a product, service, commodity, entertainment, or real property or personal property.

*A-frame Sign.* A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians. (Also known as Sandwich Board sign)

*Airport Hazard.* Any structure, tree or use of land which obstructs the air space required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off of aircraft.

*Alcoholic Beverage.* Distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comprising it with the volume of the remainder of the ingredients as though said remainder ingredients were distilled water.

*Alley.* A public right-of-way that normally affords a secondary means of access to abutting property.

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**Amateur (HAM) Radio Equipment.** An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Ancillary.** In regard to principal uses per Article 5, a structure or use that provides support and/or is typically integral to a principal structure or use.

**Antenna Support Structure.** Any building or other structure, other than a communications tower, which can be used for the location of a communications antenna.

**Applicant.** A person applying for or one granted a permit to proceed with a project. May be used synonymously with the terms "developer" and "owner."

**Application.** The process by which an applicant submits a request to develop, construct, build, modify or erect ~~a communications tower and/or communications antenna on lands within the City limits of Milton~~. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city concerning a request.

**Arbor.** A freestanding structure to support vines or trained climbing plants. [An arbor is considered to be an accessory structure that is exempt from city development review criteria.](#)

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Associated Wetland.** Any wetland that is adjacent or contiguous to water, or which has a hydrologic connection to waters.

**Awning.** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**Awning Sign.** Any sign painted on, or applied to, an awning.

**Attention Getting Device.** Sails, pennants, banners, and similar devices or ornamentations designed to attract attention. Flags of nations, states, and cities, or fraternal, religious and civic organizations, permanent commercial flags, or temporary holiday decorations are not considered attention getting devices. Certain types of attention getting devices are specifically prohibited by this Code in Article 9.

**Authorized Enforcement Agency.** Employees or designees of the city manager who are designated to enforce these regulations.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Banner.** Any cloth, canvas, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners.

**Banner—Exhibition.** A sign that is printed or displayed upon flexible material with or without frames in conjunction with a special exhibit for an educational facility, government building, or cultural facility.

**Base Flood Elevation (BFE).** The computed elevation to which floodwater is anticipated to rise during the base flood. BFEs are shown on Flood Insurance Rate Maps (FIRM) and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of structures.

**Base Floor Elevation.** Lowest floor is defined by the National Flood Insurance Program (NFIP) as the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a

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building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

**Basement.** That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having one-half or more of its height below the average elevation of the finished lot grade adjoining the building.

**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

**Benefit Area.** The geographic area within which impact fees are collected and expended for a particular type of capital improvement serving development projects within such area.

**Berm.** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, [control erosion](#), or fulfill other similar purposes.

**Best Management Practice (BMP).** A practice or combination of practices that are the most effective, practical means of preventing or reducing the amount of pollution to a level compatible with applicable regulating standards.

**Billboard.** A sign advertising products, goods, services, facilities, events or attractions not made, sold, used, served or available on the lot displaying such sign or a sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

**Bio-retention Basin.** Also known as a Rain Garden, is a shallow planted depression designed for retention or detention of stormwater to slow and treat on-site runoff.

**Bio-swale.** A form of bio-retention used to partially treat water quality, attenuate flooding potential and to convey stormwater runoff away from critical infrastructure.

**Block.** Defined in Section 2.2.

**Block-face.** Defined in Section 2.2.

**Blue Roof.** A roof designed to store water and discharge rainfall.

**Boat.** Any watercraft, including barges and air boats, designed, used, or capable of being used as a means of transportation on water.

**Buffer.** A person or thing that prevents incompatible or antagonistic people or things from coming into contact with or harming each other.

- (1) **Buffer Yard.** Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, or other nuisances.
- (2) **Types of Buffers.** A buffer may be existing undisturbed natural vegetation or where the natural barrier was altered or no longer exists because of past lawful activities, a planted vegetated buffer supplemented with fencing or other manmade barriers, so long as the function of the buffer and intent of this policy are fulfilled. Fencing can be used to supplement the buffer requirements but may not be used as a replacement to the buffering requirements.

**Build-To Line (BTL).** Defined in Section 2.2.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Coverage.** See Lot Coverage.

**Building Frontage.** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting Public Street or parking lot.

**Building Height.** Defined in Section 2.2.

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**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

**Building Permit.** That official county document which authorizes the commencement of a specific development activity without the need for further application and approval, subsequent to receipt of authorization of such permit from the city Planning and Development Department. The term "building permits" includes:

- (1) All types of construction permits (plumbing, electrical, mechanical, and so forth), in addition to the building permit itself;
- (2) Sign permits;
- (3) Demolition permits; and
- (4) Change of use permits, etc.

**Building Sign.** Signs displayed upon or attached to any part of a building, including walls, windows, doors, parapets, marquees, and other.

**Business.** An occupation, employment, or enterprise that occupies time, attention, labor and materials, where merchandise is exhibited or sold, or where services are offered.

**Caliper.** Defined in Section 2.2.

**Camper.**

- (1) The term "camper" means any separate structure designed or used for human habitation, which can be attached to or detached from a pickup truck, and which has sufficient headroom for an adult six feet in height to stand upright.
- (2) The term "camper" does not include a pickup truck with a cab and shall not be construed as a camper.

**Canopy - Non-Structural.** A roof-like non-structural cover that projects from the wall of a structure with support posts that extend to the ground.

**Canopy - Structural.** A permanent structure that serves as an overhanging shelter or shade that forms the structure of a building and is constructed in such a manner as to allow pedestrians or vehicles to pass underneath.

**Canopy Sign.** Any sign that is part of, or attached to a canopy.

**Canopy -Tree.** A term used to refer to the reach or extent of the outer layers of leaves of a tree or group of trees.

**Canopy Trees.** Also referred to as Shade Trees, are larger trees with foliage or canopy coverings. Well-known Canopy tree species include oaks, birches, crepe myrtles, elms, and others.

**Capital improvement.**

- (1) The term "capital improvement" means land or facilities for:
  - a. The generation or distribution of electricity;
  - b. The collection and disposal of stormwater;
  - c. Flood-control purposes;
  - d. Purposes of transportation and transit, including without limitation, streets, street lighting and traffic control devices and supporting improvements, roads, bridges, and related facilities;
  - e. Parks and recreational improvements;
  - f. Public safety, including police and fire department facilities;

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- g. Public art;
  - h. Public buildings of all kinds; and
  - i. Any other capital project identified in the city's capital improvements plan.
- (2) The term "capital improvements" also includes design, engineering, inspection, testing, planning, legal land acquisition, and all other costs associated with the construction of a public facility.

*Capital Improvements Plan* means the five-year plan for capital improvements adopted annually by the city council, describing:

- (1) The approximate location, size and time of availability;
- (2) The estimated cost of capital improvement projects; and
- (3) Any identifying sources of funding.

*Capital Improvements Project List* means the list describing the approximate location, size, time off availability and estimated cost of each capital improvement to be funded from a particular impact fee account.

*Carport*. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

*Certificate of Appropriateness*. An official document certifying that the Milton Historic Preservation Board has reviewed an application for development approval and has found such application to meet the specific intent and requirements of this section.

*Certified Contractor*. An individual who has received training and is licensed by the state department of environmental protection to inspect and maintain erosion and sediment control practices.

*Changeable Copy Sign*. A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

*Channel Letter Sign*. A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

*Chicken Coop*. A structure where hens are kept.

*Chimney*. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

*City Development Permit*. An authorization by the city Planning and Development Department for specific minor development activities without the need for further application and approval. The term "applicable minor development activities" includes permits for:

- (1) Tree removal;
- (2) Fences;
- (3) Temporary signs;
- ~~(4) Thirty day auto repair;~~
- (5) Commercial tents; and
- (6) Temporary structures.
- (7) Driveways.



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*Clean Water Act.* The federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

*Clearance.* The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

*Clearing.* An activity which removes vegetative surface cover.

- (1) The term "clearing" means the removal of trees and brush from the land.
- (2) The term "clearing" does not include the ordinary mowing of grass.

*CMRS.* Commercial Mobile Radio Services, as defined in section 704 of the Telecommunications Act of 1996, which includes:

- (1) Cellular;
- (2) Personal communications;
- (3) Specialized mobile radio;
- (4) Enhanced specialized mobile radio; and
- (5) Similar services that currently exist or that may in the future be developed.

*Collection.* Can mean the time at which the impact fee is actually paid to the city.

*Co-Location, Collocation and Collocate.* The use of a communications tower by two or more CMRS license holders or by one license holder for more than one type of communication technology.

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

*Commercial Vehicle.* A vehicle used for carrying goods or fare-paying passengers.

*Commitment.* Can mean earmarking impact fees to fund or partially fund capital improvements serving new development projects.

*Common Space.* That space required in multi-family and other development types for the benefit and recreational use by residents, tenants, and other.

*Communications Antenna.* Any system of electrical conductors designed to transmit and/or receive electromagnetic waves.

*Communications Tower.* A self-supported lattice, guyed or monopole structure constructed from grade which supports communications antennas, but does not include, towers utilized by amateur radio operators licensed by the Federal Communications Commission.

*Comprehensive Plan.* The City of Milton Comprehensive Plan, adopted by the city council.

*Concurrency.* A condition where specified facilities and/or services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development.

*Conical Surface.* An imaginary surface extending from the periphery of the horizontal surface upward and outward at a slope of 20:1 for a specified horizontal distance and elevation above the airport elevation dependent upon the length of the longest runway.

*Conservation Design.* A technique intended to preserve natural and environmentally sensitive areas while allowing for clustered development.

*Consistency.* A condition where the development proposal complies with and fulfills the intent of the comprehensive plan.

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**Construction Activity.** Land disturbing activity, including activities subject to NPDES construction permits. The term "construction activity" includes construction projects resulting in land disturbance of one acre or more. The term "construction activity" also includes, but is not limited to:

- (1) Clearing and grubbing;
- (2) Grading;
- (3) Excavating; and
- (4) Demolition.

**Contiguous.** See abut.

**Contour Line.** Contour lines denote elevation or altitude and depth on maps.

**Courtyard.** A landscaped open space in the center of a block or development with no street frontage, which is inwardly oriented and large enough to allow for public activities and sunlight during midday.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exist to the street.

**Cutoff.** The point at which all light rays emitted by a lamp, light source or luminaire are generally eliminated (cutoff) at a specific angle above the ground, acknowledging that some light trespass may occur.

**Day.** A calendar day.

**Deck.** A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Destruction of Structure.** Damage to a structure to an extent of more than 50 percent of the just value at the time of destruction.

**Detention.** The collection and storage of surface water with subsequent gradual discharge.

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

**Development.** The act of developing or the state of being developed, as:

- (1) Any application of techniques and/or technologies in the production, construction, demolition, or removal of a structure, to include but not be limited by: any form of residential, commercial, office, or industrial space of a temporary or permanent nature, any structure appurtenant to said uses, such as signs, fences, walls, walkways, driveways, roadways, the permanent storage of material, and other.

**Development Approval Authority.** The individual or group of individuals having the authority to issue a development order or city development permit. Specifically:

**Table 2.1.1. Development Approval Authority**

| Development Approval Authority      | Development Type                                  |
|-------------------------------------|---------------------------------------------------|
| City Council                        | Planned Development Projects                      |
| Technical Review Committee          | Major Development Activity and Minor Subdivisions |
| Planning and Development Department | Minor Development activity, and Minor Re-plats    |

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**Development Order.** An order granting, denying, or granting with conditions an application for approval of a development activity. A distinction is made between a development order and a building permit. The term "development order" means a city authorization of a proposed major development project. Such authorization must be granted by the city prior to the issuance of a building permit by the county. The development order authorizes the project, whereas the building permit authorizes specific components of the project, such as building construction, sign installation, and the like. For purposes of these regulations the development plan approval is the development order.

**Digital Display Sign (Electric Variable Message Sign).** The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**Directional Sign.** Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

**Discharge.**

- (1) The term "discharge" means the release of stormwater by any means, including spilling, leaking, seeping, pouring, emitting, emptying, or dumping;
- (2) The term "discharge" does not include the release of stormwater by evaporation, transpiration, or natural percolation to the groundwater.

**Domestic Animals.**

- (1) The term "domestic animals" means a tame animal such as a cow, horse, sheep, pig, or chicken, but not necessarily limited to, these animals.
- (2) The term "domestic animals" does not include dogs, cats, and other household pets.

**Drainage Facility.** Any component of the drainage system.

**Drainage System.** The system through which water flows from the land. The term "drainage system" includes all watercourses, waterbodies, and wetlands as well as structures or other means of conveyance.

**Drainage Way.** Any channel that conveys surface runoff throughout a site.

**Drip Line.** The peripheral limits of a tree's horizontal crown spread projected vertically to the ground.

**Driveway.** A pathway for motor vehicles from a street to a lot used only for service purposes or for access to the lot.

**Dwelling.** A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings - detached and attached, two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding hotels.

**Dwelling Unit.** A structure or portion of a structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement.** A grant by a property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation or a certain person. Also see servitude.

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

**Engineer.** A structural engineer licensed by the state.

**Environmentally Sensitive Lands.** Land areas that include:

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- (1) Any wetland areas within the city under the jurisdiction of the state of Florida Department of Environmental Protection (FDEP), the U.S. Army Corps of Engineers (USACE), and/or all areas identified as wetlands by the North WestNorthwest Florida Water Management District (NFWMD); and
  - (2) All flood prone land areas classified by the Federal Emergency Management Agency as A or V Zones on the Flood Insurance Rate Maps.

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

*Erect a Sign.*

- (1) The term "erect a sign" means to construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (2) The term "erect a sign" does not include any of the activities listed in subsection (1) of this definition when performed as incidental to the change of message, or routine maintenance.

*Erosion.* The wearing or washing away of soil by the action of wind or water.

*Erosion and Sediment Control Plan.* A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site both before, during and after construction.

*Erosion Control.* Measure(s) which prevent erosion.

*Essential Service.* The provision by the city, county, state and/or United States of America, or any of their agencies or political subdivisions, of services to the public related to fire safety, law enforcement, weather; provision of electric, natural gas, water, or sanitary sewer service; or other services affecting the health, safety, or welfare of the public.

*Exemption.* A condition which provides immunity from obligations or requirements.

*Exterior Lighting.* The illumination of an outside area or object by any man-made device that produces light by any means.

*Exterior Stairwell.* One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

*Family.* One or more persons occupying a dwelling unit, living as a single housekeeping unit, and using common cooking facilities; provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

*FDEP.* The Florida Department of Environmental Protection.

*Fence.* A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material and is used as a barrier.

*Fence—Open.* A fence that has, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings.

*Fence—Solid.* A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

*Fixture.* The assembly that houses the lamp or lamps, which may include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

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**Flag.** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

**Flashing Sign.** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

**Flood Zone.** Geographic areas that the Federal Emergency Management Agency (FEMA) has defined according to varying levels of flood risk. These zones are depicted on the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area.

**Floor Area Ratio (FAR).** The ratio of a building's total floor area or Gross Floor Area to the size of the piece of land upon which it is built. The terms can also refer to limits imposed on such a ratio.

**Freestanding Sign.** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs: [Monument Signs, Pole Signs, Banners, Digital Display Signs, and Billboards](#)

**Frontage.** The length of the property line of any one parcel along a street on which it borders.

**Garage.** A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. Garage does not include a parking structure.

**Gazebo.** A freestanding outdoor structure designed for recreational use and not for habitation.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

**Grade.** Defined in Section 2.2.

**Grading.** Excavation or fill of material, including the resulting conditions thereof.

**Greenhouse (Accessory).** A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Green Roof.** A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Gross Floor Area (GFA).** Defined in Section 2.2.

**Ground Cover.** Low growing plants planted in such a manner as to form a continuous cover over the ground and usually growing no higher than two feet.

**Ground Sign or Monument Sign.** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building.

**Harmful to minors.**

- (1) The term "harmful to minors" means, with regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
  - a. Predominately appeals to the prurient, shameful, or morbid interest of minors in sex;
  - b. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
  - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (2) The term "harmful to minors" shall also include any non-erotic word or picture when it:

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- a. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors; and
  - b. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Hedge.** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

**Heritage Tree.** Any tree with a trunk diameter of 36 inches or more and Longleaf Pines (*Pinus palustris*) with a trunk diameter of 20 inches or more, measured 4½ feet above grade, excluding Water Oaks(*Quercus Nigra*), Laurel Oaks(*Quercus Hemisphaerica* only) and pines other than Longleaf Pines-

**Historic Property.** Any structure within the city limits that is listed on the Florida Master Site File Inventory for Santa Rosa County, included in the Santa Rosa County Historical/Architectural Survey, or listed on the National Register of Historic Places.

**Home Occupation.** Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

**Horizontal Surface.** An imaginary circular plane 150 feet above the established airport elevation, with a radius from the airport reference point of between 5,000 feet and 13,000 feet inclusive, dependent upon the length of the longest airport runway.

**Illegal Discharge.** Any direct or indirect non-stormwater discharge into the storm drain system, except as exempted in subsection V-6.12.(f).

**Illicit Connections.**

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyance which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Illumination.** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

**Illumination - External.** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

**Illumination - Internal.** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

**Illumination - Halo.** A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)

**Illuminated Sign.** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

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**Illumination System.** The totality of the equipment installed to provide exterior lighting on a developed property. Illumination system includes all structures, canopy, pole, and ground-mounted luminaires, including all wiring, circuitry, and other devices installed to create exterior lighting.

**Impact Fee.** A monetary exaction, adopted by the city pursuant to this section at a specified rate and imposed pursuant to this section, as a condition of or in connection with the approval of a development project for the purpose of defraying all or some of the city's cost or repaying costs previously expended from other city funds for capital improvements, and as further defined herein.

**Impervious Surface.** A surface, typically of an artificial nature, which has been created, highly compacted, or covered with a layer of impenetrable material(s), such as concrete, asphalt, a rooftop, or other, with a resultant decrease in the ability for the absorption and/or infiltration of water and an increase in stormwater runoff.

**Impervious Surface Coverage.** Defined in Section 2.2.

**Impose.** Can mean to determine that a particular development project is subject to the collection of impact fees as a condition of development approval.

**Incidental Sign.** A sign that displays general site information, instructions, directives, or restrictions that are incidental to the use for which it is displayed. Examples of incidental signs include Open/Closed signs, hours of operation, civic affiliations, credit institutions accepted and others of a similar nature. These signs shall not contain any advertising.

**Industrial Activity.** Activities subject to NPDES industrial permits as defined in 40 CFR § 122.26 (b)(14).

**Inflatable Sign.** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. This includes the term balloon sign.

**Infrastructure.** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

**Inoperative, abandoned, or discarded vehicle** shall mean a vehicle which is in a state of disuse, neglect, or abandonment, wrecked vehicle, or a motor vehicle without a license plate, or a motor vehicle with a license plate that is not registered to that motor vehicle, or a motor vehicle that does not have a registration sticker affixed to the license plate, or a motor vehicle that has a registration sticker affixed to the license plate which has been expired for a period of at least ninety days. Evidence of disuse, neglect or abandonment may include, but is not limited to, factors such as: vehicle being wrecked; inoperative as evidenced by vegetation underneath as high as the vehicle body or frame; refuse or debris collected underneath or the vehicle being used solely for storage purposes; or being in any physical state rendering it inoperative. A vehicle will be considered abandoned or derelict if it is in an evident state of extended disuse or neglect.

(1) The term "inoperative vehicle" does not mean:

- a. Vehicles located on private property owned or leased by a new or used automobile dealer possessing a current, valid city occupational license; nor
- b. Any antique collector vehicles that are registered with the state pursuant to F.S. § 320.086.

**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking, loading facilities, landscaping, or other factor of development.

**Lamp.** The component of a luminaire that produces the actual light.

**Lamp Wattage.** The amount of power of a lamp expressed in watts.

**Land disturbing.** Any modification to a site where the natural soil conditions are changed.

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*Landscape Material.*

- (1) The term "landscape material" means living material including, but not limited to:
- a. Trees, shrubs, vines, lawn grass and ground cover;
  - b. Landscape water features; and
  - c. Nonliving durable material commonly used in landscaping including, but not limited to:
    - i. Rocks and pebbles;
    - ii. Sand weed barriers including, but not limited to:
      - 1) Polypropylene and jute mesh;
      - 2) Brick paver;
      - 3) Earthen mounds.

- (2) The term "landscape material" does not include impervious surfaces for vehicular use.

*Lighting.* Defined in Section 2.2.

*Light, Direct.* Light emitted directly from the lamp, off a reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

*Light, Indirect.* Direct light that has been reflected or has scattered off of other surfaces.

*Light Trespass.* The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

*Loading Berth.* A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

*Lot.* Defined in Section 2.2.

*Lot Area.* Defined in Section 2.2.

*Lot, Corner.* Defined in Section 2.2.

*Lot Coverage.* Defined in Section 2.2.

*Lot Depth.* Defined in Section 2.2.

*Lot, Interior.* Defined in Section 2.2.

*Lot Line.* Defined in Section 2.2.

*Lot Line, Corner.* Defined in Section 2.2.

*Lot Line, Front.* Defined in Section 2.2.

*Lot Line, Interior.* Defined in Section 2.2.

*Lot Line, Rear.* Defined in Section 2.2.

*Lot Line, Street.* Defined in Section 2.2.

*Lot, Through.* Defined in Section 2.2.

*Lot Width.* Defined in Section 2.2.

*Luminaire.* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

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*Luminaire, Cut-Off Type.* A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cut off a direct view of the light source at a cut off angle.

*Major Subdivision.* The subdivision of a parcel of land into two or more lots where any roadway, drainage or other improvements are necessary.

*Manufactured Home.*

- (1) The term "manufactured home" refers specifically to those manufactured residential structures fabricated after June 15, 1976 in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.
- (2) The term "manufactured home," does not include mobile homes, unless otherwise defined for the purposes of a specific section.

~~*Major Subdivision.* The subdivision of a parcel of land into two or more lots where any roadway, drainage or other improvements are necessary.~~

*Marina.* A premises or site used for the rental of covered or uncovered boat slips or dock space, marine fuel and lubricant sales, boat and motor rental facilities, live bait sales and boat dry storage.

*Marginal Access Streets.* Local roads and streets which are parallel and adjacent to arterials, which provide access to abutting properties and protection from through traffic.

*Marquee.* A permanent roof-like structure constructed of durable material extending from the wall of a structure with no supports extending to the ground with a portion of the structure dedicated to sign area that may be changed.

*Marquee Sign.* Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

*Mean Sea Level.* The average sea height for all tide stages.

*Mechanical Movement Sign.* A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

*Memorial Sign.* A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

*Menu Sign.* A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

*Message Center Sign.* A type of illuminated, digital display sign or changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

*Milton Historic District.* That land area within the city limits geographically defined by a designation on the National Register of Historic Places. [The district boundary map and historic resources database list shall also be kept on file by the Planning and Development Department and updated, as required, required from time to time.](#)

*Minor Development.* The following activities are defined as minor development, all other development activity shall be considered major development.

- (1) Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of these regulations and which has continued in good faith.

- 
- (2) The construction or alteration of a one-family or two-family dwelling on a lot in a valid recorded subdivision or approved subdivision prior to the adoption of these regulations, or on a lot acquired prior to the adoption of these regulations provided it complies with the minimum requirements of these regulations.
  - (3) The alteration of an existing nonresidential building or structure so long as no increase is made to its gross floor area or the amount of impervious surface on the site.
  - (4) The resurfacing of a vehicle use area that conforms to all the requirements of these regulations.
  - (5) The construction or alteration of accessory buildings and structures, fences, swimming pools, tennis courts, tree removal, sign installation, and other substantially similar activities, when in conformance and permitted within the requirements of these regulations.
  - (6) Tree removal.
  - (7) A minor re-plat.
  - (8) A change of use in which 10 percent or less of additional parking is required and no site alteration is involved.

*Minor Re-plat.* The subdivision of a single lot or parcel of land into no greater than two lots or parcels, where there are no roadway, ~~drainage, or other required~~ improvements, and where the resultant lots comply with the requirements of these regulations.

*Minor Structure.*

- (1) The term "minor structure" means structures such as docks, piers, boardwalks, and gazebos.
- (2) The term "minor structure" does not include such structures as communication towers, etc.

*Minor Subdivision.* The subdivision of a parcel of land into ~~no less than~~ three lots ~~or more, and no more than~~ nine lots, where there are no roadway, ~~drainage or other required~~ improvements, and where the resultant lots comply with the requirements of these regulations.

*Mixed Use Structure.* Is typically a structure in which housing is provided in the same building, above and/or behind a commercial use, such as a limited retail shop or office space. In some instances a mixed use may be a combination of office and retail space or other.

*Mobile Home.* A vehicle or similar portable residential structure, other than a mobile camper, having been constructed prior to June 15, 1976, on an integral chassis with wheels (whether or not such wheels have been removed), designed as a dwelling when connected to the required utilities, and having no foundation other than wheels, jacks, or skirting.

*Modular Home.* Modular buildings and modular homes are not considered manufactured homes, and refer to a method of construction. Modular buildings and modular homes are built in multiple sections called modules at a facility and then delivered to the site where the modules are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes must conform to all zoning requirements for the dwelling type and must meet all building code requirements. Manufactured homes are a principal use.

*Motor Home.* A motor vehicle to which a habitable structure has been permanently attached to its chassis. The term "motor home" includes, but is not ~~be~~ limited to, any light van with a roof permanently raised to allow an adult six feet in height to stand upright. The term "motor home" also includes any vehicle carrying a manufacturer's designation as a motor home.

*Motor Vehicle.* A vehicle or conveyance which is self-propelled and designed to travel, to include but is not limited to:

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- (1) Automobiles; Buses; Mopeds; Motorcycles; Tractors; Go-carts; Campers; Motorhomes, and Trailers.

MS4. The Municipal Separate Storm Sewer System.

*Multi-Tenant Retail Center.* A group of three or more separate commercial establishments, primarily retail, but also including personal service, restaurant, office, and similar non-residential uses, ~~that is planned, owned, and/or managed as a single property~~. The two main configurations of multi-tenant retail centers are large shopping centers and strip centers.

*Multiple-occupancy (Multi-tenant) Sign.* A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

*Mural (or mural sign).* A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.

*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.* A permit issued by the state under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants into United States waters, whether the permit is applicable on an individual, group, or general area-wide basis.

*Natural Systems.* Systems which predominately consist of or use those communities of plants, animals, bacteria, and other flora and fauna which occur indigenously on the land, in the soil, or in the water.

*New Development or Development Project.*

- (1) The term "new development or development project" means any project undertaken for the purpose of development, including without limitation, a project involving the issuance of a permit for construction, reconstruction, or change of use.
- (2) The term "new development or development project" does not include:
- A project involving the issuance of a permit to operate or to remodel, rehabilitate, or improve an existing structure, which does not change the density or intensity of use; nor
  - A project involving the issuance of a permit to rebuild a structure destroyed or damaged by a catastrophic event.

*Neon Sign.* A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

*Nonconforming Lot.* A lot of record that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Code no longer conforms to the applicable lot dimensions.

*Nonconforming Sign.* A sign that once conformed to zoning district regulations but because of subsequent amendments to the Code no longer conforms to applicable sign regulations.

*Nonconforming Site Element.* A site development element, such as landscape, fences or walls, lighting, and parking, that at one time conformed to the requirements of this Code, but because of subsequent amendments, has been made nonconforming.

*Nonconforming Structure.* A principal or accessory structure that once conformed to zoning district regulations but because of subsequent amendments to the Code no longer conforms to applicable dimensional standards.

*Nonconforming Use.* The use of a structure or land that at one time was an allowed use within a zoning district but because of subsequent amendments to the Code is no longer allowed.

*Nonresidential Development Project.* All development, other than residential development projects and those mixed-use projects with a residential component.

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*Non-Residential Use.* A structure or land arranged, designed, used, or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other nonresidential uses. Structures with dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Code.

*Non-Stormwater Discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.

*Occupied Structure.* Anything constructed, located or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, and a primary purpose of which contemplates residential habitation or commercial occupation.

*Off-Premises Sign.* An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.

*Off-Premises Directional Sign.* A sign designed to provide direction to a location only, the name of the establishment and a directional arrow are the only communication.

*Off-Site.* Not located on the principal parcel of land proposed to be developed.

*Off-Street Parking.* The storage space for an automobile on premises other than streets or rights-of-way.

*On-Premises Sign.* A sign which message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

*Open Space.* That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or environmental resources. Open space may include undevelopable areas such as steep slopes, wetlands, and stormwater detention and retention basins provided they are less than 3 feet deep.

*Outdoor Display and Sales Area.* Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

*Outparcel.* An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

*Overlay District.* A district established in the Code that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts.

*Owner.* Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records of the City of Milton; a person shown as owner in the records of the tax assessor of the City in which the property is situated; or the agent of any such person and those in possession of a dwelling, dwelling unit or premises.

*Parapet.* The extension of a false front or wall above a roof-line.

*Parcel.* A unit of land within legally established property lines.

*Parking Lot.* An area of land used for the storage or parking of vehicles.

*Parkway.* That part of the pedestrian way that if designated for street trees, landscape, transit stops, street lights, outdoor dining, site furnishings, and the like, as well as for motorists to access cars parked at the curb. Parkway may also be referred to as neutral ground.

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**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a parking space.

**Pedestrian Scale Lighting.** A street level lighting that is typically lower in height (between 12'-16') and is spaced closer together (about 60'). Light poles shall be fluted and fixtures shall be decorative.

**Pedestrian Way.** A street-level exterior public pedestrian way through the middle of the block or development, at least ten feet wide providing a connection to a public courtyard. Building edges should accommodate public uses, such as shops and restaurants that are accessible from the pedestrian way to encourage activity.

**Performance Standards.** A set of criteria or limits relating to elements that a particular use or process must either meet or may not exceed.

**Perimeter control.** A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.

**Pergola.** A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Permanent Sign.** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Permeable Surface.** Are surfaces consisting of a variety of types of pavement, pavers, and other devices that provide stormwater infiltration while serving as a structural surface.

**Person.** Any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, heirs or assigns, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

**Personal Expression Sign.** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**Pervious Paving.** (Also Permeable Pavement System). A range of sustainable materials and techniques for permeable paving with a base and sub-base that allow the movement of stormwater through the surface. Gravel and loose rock are not considered pervious paving.

**Phasing.** Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next phase.

**Planned Development Project (PDP)** includes:

- (1) Land under unified control, planned and developed as a whole in a single development operation or programmed series of development operations;
- (2) Principal and accessory uses and structures substantially related to the character of the development in the context of the district of which it is a part;
- (3) Comprehensive and detailed plans which include streets, utilities, lots or building sites, site plans, structures and their relationship to each and to other uses and improvements, as well as to open spaces; and,
- (4) A program for provision, maintenance and operation of all areas, improvements, facilities and services which will be for common use by some or all of the development's occupants, specifying those to be operated or maintained by the developer, and any proposed for public acceptance.

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**Planning Board.** A board duly appointed by the city council which acts as the local planning agency (LPA). The planning board reviews major subdivision proposals and planned development projects, and issues recommendations on such proposals to the city council.

**Planting Area.** That area within a development site designated or available for landscaping.

**Plaza.** A predominantly hard-surfaced space that is a portion of a block or development with a minimum of one side open to the street, which is located to provide maximum sunlight during the day. Building edges should contain continuous public uses at grade to animate and support the open space. Unlike intimate scale urban gardens, a plaza may contain a primary entrance to an adjacent building.

**Pole Sign.** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**Political Campaign Advertisement.** A personal expression, temporary, free standing sign displaying or causing to be displayed a message directly relating to an individual or political party's candidacy for any local, state, or federal office.

**Pollutant.** Anything that causes or contributes to pollution.

- (1) The term "pollutant" includes, but is not limited to:
  - a. Paints, varnishes and solvents;
  - b. Oil and other automotive fluids;
  - c. Nonhazardous liquid and solid wastes and yard wastes; and
  - d. Refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordinances and accumulations, so that same may cause or contribute to pollution.
- (2) The term "pollutant" also includes:
  - a. Floatables, pesticides, herbicides, and fertilizers;
  - b. Hazardous substances and wastes;
  - c. Sewage, fecal coliform and pathogens;
  - d. Dissolved and particulate metals;
  - e. Animal wastes;
  - f. Wastes and residues that result from constructing a building or structure; and
  - g. Noxious or offensive matter of any kind.

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

- (1) **Unenclosed Porch.** A porch that is open on all sides that does not abut a principal building wall.
- (2) **Enclosed Porch.** A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

**Portable Sign.** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

**Property Line.** See lot line.

**Predevelopment Conditions.** Those conditions which existed prior to alteration, resulting from human activity, of the natural topography, vegetation and rate, volume and direction of stormwater flow, as indicated by the best available historical data.

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*Premises.* Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

*Principal Building.* A non-accessory structure in which a principal use of the lot on which it is located is conducted.

*Projecting Signs.* Any building-mounted sign with sign face(s) that are generally perpendicular to the building wall. They are also commonly referred to as blade signs.

*Protected Tree.* Any tree, including Longleaf Pines (*Pinus palustris*), with a trunk diameter of ten inches or more measured 4½ feet above grade with the exception of Water Oaks(*Quercus Nigra*) and Laurel Oaks(*Quercus Hemisphaerica* only). Pine trees, other than Longleaf Pines (*Pinus palustris*), with a diameter less than 24 inches measured 4½ feet above grade and invasive or "trash" trees as designated by county or state authorities are not protected, nor are trees determined by the City's Planning and Development Department or Certified Arborist, if the City is unable to make the determination, to be diseased or injured trees or trees constituting a threat to public health and safety.

*Protected Wellhead.* Any wellhead which supplies potable water for public consumption.

*Principal Use.* The main use of land or structures as distinguished from an accessory use.

*Raceway.* A mounting bar or similar device that is used to attach channel letters to a building. Raceways often conceal the electrical components of channel letter signs.

*Railroad Right-of-Way.* A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

*Receiving Bodies of Water.* Any waterbodies, watercourses, or wetlands into which surface waters flow either naturally, in manmade ditches or conveyances, or in a closed conduit system.

*Recreational Equipment.* A motor vehicle primarily designed for recreational, camping, or travel use and which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, private motor coaches, park trailers, and other vehicles as defined in Florida Statutes. This does not include watercraft or motorcycles.

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*Regulated Historic Property.*

- (1) Any structure within the Milton Historic District listed as a contributing structure in the city's application for inclusion of the Milton Historic District on the National Register of Historic Places; and
- (2) Any structure located within the city limits listed on the National Register of Historic Places.

*Reserve Strip.* A strip of land on which no physical structure may be erected aboveground.

*Residential Use.* A structure arranged, designed, used, or intended to be used for residential occupancy by one or more families or households, which includes, but is not limited to, the following types: single-family - detached and attached, two-family, townhouse, and multi-family dwellings. Structures with dwellings above ground floor nonresidential uses are considered mixed-use development, which are considered a non-residential use for the purposes of this Code.

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

*Right-of-Way.* A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, parkways, sidewalks, and shoulders.

*River's Edge.* From the top of bank of the normal stream channel.

*Roofline.* The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

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*Roof Sign.* Any sign erected, constructed, and maintained above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof of greater than 45 degrees.

*Satellite Dish Antenna.* A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

*Security Fence.* A fence with a minimum height of six feet, which prohibits unauthorized access and which may be topped with a maximum of three strands of barbed wire; provided that the first line of such barbed wire is located a minimum of six feet above grade.

*Sediment.* Fine particulate material, whether mineral or organic, that is in suspension or has settled in a waterbody.

*Sediment control.* Measure(s) which prevent eroded sediment from leaving a site.

*Sedimentation facility.* Any structure or area which is designed to hold runoff water until suspended sediments have settled.

*Servitude.* Land designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s). Servitude may also be referred to as an easement.

*Setback.* Defined in Section 2.2.

*Setback, Front.* Defined in Section 2.2.

*Setback, Interior Side.* Defined in Section 2.2.

*Setback, Corner Side.* Defined in Section 2.2.

*Setback, Rear.* Defined in Section 2.2.

*Shade Tree.* See Canopy Tree.

*Shed.* An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

*Shielded.* The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

*Shrub.* A woody plant that is smaller than a tree and has several main stems arising at or near the ground and shall be a minimum of one foot in height above grade when measured immediately after planting.

*Sight Triangle.* A triangle created by an intersection of two roads or right-of-ways and a third line. At no time shall any obstruction of view be allowed to persist within the sight triangle.

*Sign.* Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

*Sign Face.* The sign surface used to display information, messages, advertising, logos, or symbols.

*Sign Face Area.* The part of the sign that is or can be used for the sign area. The sign face area is determined by the smallest rectangle or other geometric shape which encompasses the sign face.

*Sign Height.* The vertical dimension of a sign as measured from the ground (grade) to the lowest portion of the Sign.



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*Site.* Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

*Site development.* A permit issued by the city for which the construction or alteration of ground is approved.

*Site Development Area.* The portion of a parcel where site and building improvements are located, including the required yard setback areas.

*Size.* Where the term "size" is referenced in relationship to trees, it means the trunk diameter measured 4½ feet above grade or Diameter at Breast Height (DBH).

*Snipe Sign.* A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as bandit sign)

*Special Exception.* As used in connection with the provisions of this Unified Development Code, means a use of land or building that would not be appropriate generally or without restrictions throughout the particular zoning district or classification, but which, if controlled as to number, area, location, or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare. Such uses may be permitted in such zoning district or classification as special exceptions only if specific provisions and standards for such special exception are made in these regulations.

*Special Flood Hazard Area (SFHA).* The land area covered by the floodwaters of the base flood on National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

*Stabilization.* The use of practices that prevent exposed soil from eroding.

*Stacking Space.* A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

*Start of Construction.* The first land disturbing activity associated with a development, including land preparation, such as:

- (1) Clearing, grading and filling;
- (2) The installation of streets and walkways;
- (3) Excavation for basements, footings, piers or foundations;
- (4) The erection of temporary forms; and
- (5) The installation of accessory buildings such as garages.

*Stealth Design.* A design of a structure, including communications antennas, which blends the structure into the surrounding environment and renders the structure compatible with adjacent uses including, but not limited to, architecturally screened roof-mounted communications antennas, communications antennas integrated into architectural elements, and camouflaging.

*Storefront.* The exterior façade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

*Storm Drainage System.* Publicly-owned facilities by which stormwater is collected and conveyed including, but not limited to:

- (1) Any roads with drainage systems;
- (2) Municipal streets;

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- (3) Gutters;
  - (4) Curbs;
  - (5) Inlets;
  - (6) Piped storm drains;
  - (7) Pumping facilities;
  - (8) Retention and detention basins;
  - (9) Natural and human made or altered drainage channels, reservoirs; and
  - (10) Other drainage structures.

*Stormwater.* The flow of water which results from, and which occurs during and immediately following, a rainfall event.

*Stormwater Management Facility.* A component of a stormwater management system.

*Stormwater Management Plan.* The detailed analyses, drawings, and related supporting documents, which describes how the proposed stormwater management system for a development has been planned, designed, and will be constructed to meet the requirements of this Code.

*Stormwater Management System.* The structural, nonstructural, and designed features of a property or watershed which are implemented to control stormwater, incorporating methods and facilities to collect, convey, channel, divert, store, absorb, inhibit, treat, use or reuse water in order to prevent erosion, excessive ponding, flooding, over-drainage, environmental degradation, or water pollution, or otherwise affect the quantity or quality of stormwater.

*Stormwater Pollution Prevention Plan.* A document which describes:

- (1) The best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site; and
- (2) The actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and receiving waters to the maximum extent practicable.

*Stoop.* An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

*Street.* A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways. Streets are functionally classified as follows:

- (1) *Arterial* means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, all United States numbered highways shall be arterial roads;
- (2) *Collector* means a route providing service which is of relatively moderate traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads or arterial roads and serve as linkage between land and mobility access needs; and
- (3) *Local roads and streets* means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.

*Streetlights.* A high-pressure sodium vapor type, LED, or equivalent in output as measured in foot-candles and lumens. Alternative lighting which is proven to be equivalent is subject to approval by the city council.

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*Street Frontage.* The side or sides of a lot abutting on a public street or right-of-way.

*Structural Alteration.* Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

*Structure.*

- (1) The term "structure" includes all permanent or temporary, fixed or movable construction comprising buildings, stands, signs, and billboards erected independently or affixed to exterior walls.
- (2) A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.
- (3) The term "structure" does not include utility lines and poles.

*Subdivision.* The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development. The term "subdivision" includes re-subdivision and shall relate to the process of subdividing or to the land subdivided.

*Surface Water.* Water upon the surface of the earth, whether diffused or contained in natural or artificial bounds.

*Swale.* A manmade trench which:

- (1) Has a top width-to-depth ratio the cross section of which is equal to or greater than 6:1, or side slopes equal to or greater than three feet horizontal to one-foot vertical;
- (2) Contains contiguous areas of standing or flowing water only during or following a rainfall event;
- (3) Is planted with or has established vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
- (4) Is designed to take into account the soil erodibility, soil percolation, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

*Swimming Pool.* Generally means a receptacle for water and/or an artificial pool of water over 24 inches in depth and/or with a surface area of 250 square feet, either at a private residence intended only for the use of the individual owner, his family and friends, or at a multi-tenant development intended only for the use of the tenants of the building and their families and friends.

- (1) The term "swimming pool" ~~includes~~includes public, private, wading, and portable type pools.

*Technical review committee (TRC).* The technical review committee, as appointed by the City Manager, is composed of various staff members whose function is to review and approve major development activity. The technical review committee submits recommendations to the planning board regarding planned development projects (PDP's) and major subdivision proposals which require planning board review and city council approval.

*Temporary Outdoor Storage Container.* Temporary self-storage containers delivered to a residence or business owner to store, remove, and or move belongings.

*Temporary Sign.* A type of non-permanent sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

*Tents and Canopies.* A portable shelter of canvas, plastic, etc., stretched over a supporting framework of poles with ropes and pegs used for commercial or promotional purposes.

*Tower site.* A parcel of land smaller than the minimum lot size required in the zoning district completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a communications tower.

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*Tree.* Any living, self-supporting, woody perennial plant which has a trunk diameter of no less than three inches measured at a height of 4½ feet above grade at the time of planting, and which normally grows to an overall height of no less than 15 feet in northwest Florida.

*Trellis.* A lattice frame made of bars of wood or metal, fixed to a wall, to support vines or trained climbing plants.

*Understory Tree.* Typically, those species of trees that will grow under larger canopy tree, they will usually stay short even into old age.

*Urban garden.* An intimate scale garden that should be located and oriented to provide maximum sunlight during midday. It should be enclosed by buildings on two or three sides and open to the street on one or two sides. Adjoining buildings should contain windows overlooking the garden, but the garden should not provide primary access to an individual building.

*Unified Control.* The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

*Use.* The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

*Variance.*

- (1) The term "variance," as used in connection with the provisions of this Unified Development Code, means a deviation from the strict adherence to the requirements when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not as the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. A variance may be authorized for requirements such as those pertaining to height, area, size of structure or size of yards and open spaces.
- (2) The term "variance" does not include:
  - a. An establishment or expansion of a use otherwise prohibited; nor
  - b. The presence of nonconformities in the zoning district or classification or in adjoining zoning districts or classifications.

*Vegetation.* All plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

*Vehicular Sign.* A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

*Waiver.* A granted condition which allows immunity from obligations or requirements, upon request and approval.

*Wall.* A constructed solid barrier of concrete, stone, brick, tile, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

*Wall Graphic.* A large wall decoration that depicts a scene, illustration or design with no written message, word insignia or logo. The wall graphic is intended to enhance the aesthetic appearance of and attract attention to the premises.

*Wall Sign.* A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign)

*Wastewater.* Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

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*Water or Waters* includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

*Watercourse*. Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary.

*Waterway*. A channel that directs surface runoff to a watercourse, or to the public storm drain.

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

- (1) The boundary established by the annual mean high water (MHW) mark; or
- (2) The landward boundary of wetland vegetation as established by the state department of environmental protection or the U. S. Army Corps of Engineers (COE) jurisdictional determination.

*Wellhead Protection Zone*. All land area within a 500-foot radius of an existing or proposed protected wellhead.

*Wetlands*. Those areas that fall under the jurisdiction of the U. S. Army Corps of Engineers or the state department of environmental protection. It also means those wetland areas identified by the Northwest Florida Water Management District.

*White Roof*. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

*Window Sign*. Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs, however, digital displays that are not merchandise for sale are signs regardless of whether they display lettering.

*Xeriscaping*. A landscaping concept and technique which utilizes water efficient landscaping designs while remaining aesthetically pleasing.

*Yard*. Defined in Section 2.2.

*Yard, Front*. Defined in Section 2.2.

*Yard, Interior Side*. Defined in Section 2.2.

*Yard, Corner Side*. Defined in Section 2.2.

*Yard, Rear*. Defined in Section 2.2.

*Yard Setback Area*. The front, side and rear yard setbacks as required by applicable provisions of this Unified Development Code.

*Zoning Lot*. A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a lot of record.

*Zoning Map*. The map or maps that are a part of this Code and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Planning Area.

( Ord. No. 1446-17 , § 1, 7-11-2017; Ord. No. 1465-17 , § 1, 12-12-2017; Ord. No. 1944-20 , § 1, 10-13-2020)

## 2.2 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Code.

### A. Block and Block-face.

- (1) A Block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way, shorelines of waterways, or municipal boundary lines.
- (2) Block-face is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

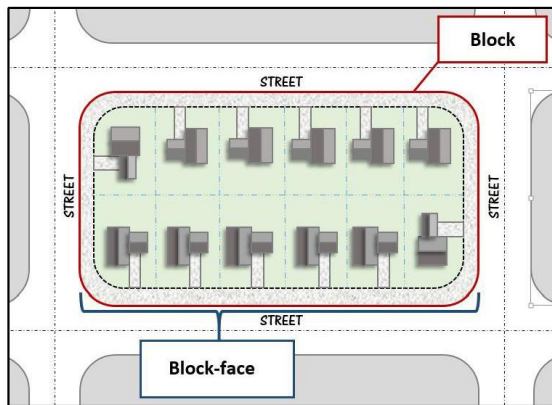


Figure 2.2.1. Block and Block-face Diagram

### B. Building Material Ratios and Standards.

- (1) Allowable building materials.
  - a. Brick, and modern brick veneers that are intended to simulate brick exteriors are acceptable;
  - b. Stone. Natural stone such as, but not limited to, granite, limestone, acid marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;
  - c. Split-face block/concrete masonry unit (CMU) is restricted to 20 percent of the surface area of the facade;
  - d. Natural wood and/or cement-based artificial wood siding ~~are allowed only on the buildings with a residential component;~~
  - e. Glass;
  - f. Any other material and/or combination of materials which, in the opinion of the planning board and/or city council, accomplishes the intent of this section shall be allowed.

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- (2) The following building materials are limited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a lot of residential or mixed use. Such materials may be used as decorative or detail elements for up to 20 percent of the façade, or as part of the exterior construction that is not used as a surface finish material.

- a. Plain concrete block;
- b. Aluminum, steel, or other metal sidings;
- c. Exposed aggregate (rough finish) concrete wall panels and block;
- d. Tilt and/or architectural pre-cast concrete is not allowed;
- e. Exterior insulating finish systems (EIFS);
- f. T-111 composite plywood siding;
- g. Plastic; and
- h. Vinyl.

- (3) Ratios and amounts of allowed building materials:

- a. **Accent/trim exterior building material.** Small amounts of building materials such as wood, tile, stone, etc., may be used to enhance the façade of the building or for decorative elements, but should not exceed 30 percent of total wall area per façade.
- b. Façade calculations. With the exception of accent/trim materials, there shall be no more than two primary building materials used. The allowed façade materials shall not apply to entry doors and/or roll-up doors.
- c. Calculation of permitted material amounts. The amount of permitted material shall be calculated using the gross square footage of wall area per façade.

If, for example:

A building has a front façade with a gross façade area of 1,200 square feet with 360 square feet dedicated to windows and doors -

Begin with 1,200 square feet for required building material calculations.

Subtract from the gross square footage of wall area the area of the windows and doors.

The balance of the wall area is 840 square feet.

The remaining façade shall have no more than 252 square feet of accent or trim materials (i.e.,  $840 \times 30\% = 252$ ). The remaining façade shall be brick, stucco, or other allowable material.

C. **Build-To Dimensions.**

- (1) A build-to line (BTL) is the set dimension on a lot, measured from the applicable lot line, where a certain percentage of the building frontage must be located.



Figure 2.2.2. Build-To-Line Diagram

**D. Building Height.**

- (1) Building height is measured as the vertical distance from grade to the top of the highest point of the roof or structure. This method of building height applies to all structures unless specifically exempted by this Code. The distance excludes spires, chimneys, flag poles, and the like, as described in item 2 below.
- (2) The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
  - a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Code.
  - b. Water tanks and standpipes.
  - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

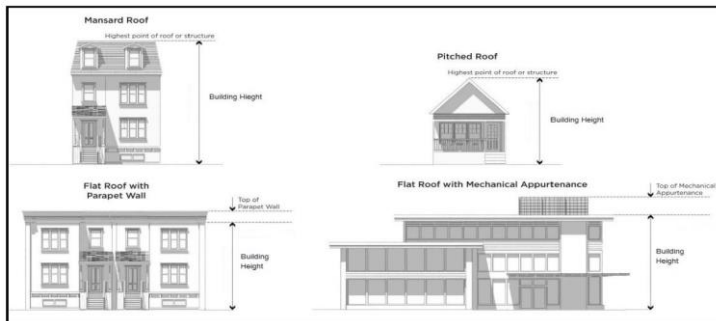


Figure 2.2.3. Building Height Diagram

- (3) A story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, including any portion of a building used for human occupancy between the topmost floor and the roof.



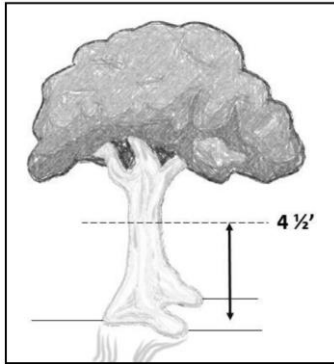


Figure 2.2.4. Caliper Diagram

- E. **Caliper.** Tree caliper is the diameter of a tree trunk, measured at four and one-half (4.5) feet above the adjacent ground. Commonly referred to as "Diameter at Breast Height" or DBH.
- F. **Floor Area Ratio (FAR).** FAR is a measure of use intensity that may be utilized to determine the appropriateness of a development.

The formula used to determine FAR is as follows:

$$\text{FAR} = \text{Total floor area of a building} / \text{the total lot area.}$$

- G. **Grade.** A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane is established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.
- H. **Gross Floor Area (GFA).** The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

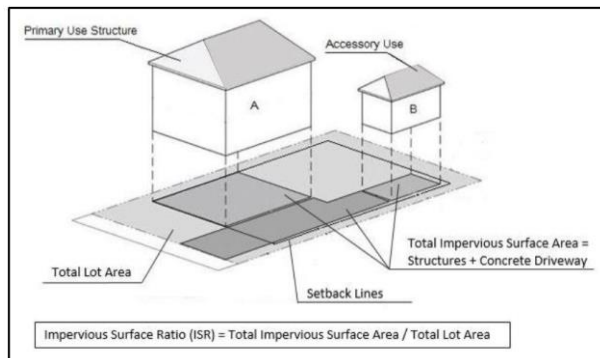


Figure 2.2.5. Impervious Surface Coverage Diagram

I. **Impervious Surface Coverage.**

- (1) Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces which do not allow for the absorption of water into the ground. The Impervious Surface Ratio (ISR) of a lot is calculated by dividing the total area of impervious surface(s) by the total area of the lot.
- (2) When an approved pervious pavement system is utilized, the ISR will be calculated at a reduced rate determined by the performance measure achieved by the pervious pavement system installed.
  - a. The area of approved pervious pavements and open grid paving systems will be calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Refer to Article 13 for installation and maintenance standards.
  - b. Other types of pervious surfaces, such as permeable pavers, porous asphalt, or gravel-crete, and green roofs will be credited based upon field performance data and coefficients of permeability provided by the manufacturer. Refer to Article 12 for installation and maintenance standards.

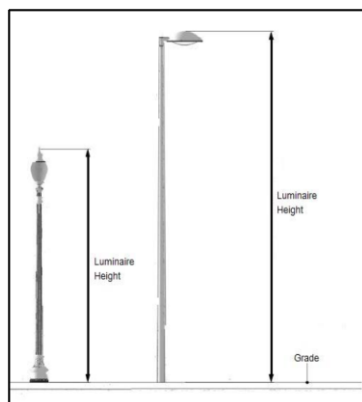


Figure 2.2.6. Lighting Height Diagram

J. **Lighting.**

- (1) *Luminaire Height.* The total height of a luminaire is measured to the top of the pole or luminaire, whichever is higher, from grade.
- (2) *Foot-candle.* A foot-candle (FC) is a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle. Foot-candle is measured utilizing a direct reading, portable light meter mounted in a horizontal position.

- K. **Lot.** A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

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- (1) An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
- (2) A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
- (3) A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

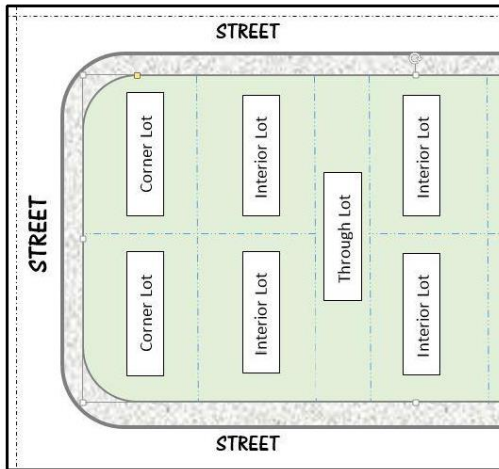


Figure 2.2.7. Lot Type Diagram

- L. **Lot Area.** The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet.
- M. **Lot Coverage.** The amount of structure that is covering the ground, also known as the structures "foot print."
  - (1) **Lot Coverage Ratio.** The calculated percentage or portion of the lot that is or may be covered by buildings and accessory structures. This includes all of the primary and secondary or accessory structures on the lot or parcel of land.
- N. **Lot Depth.** The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is the depth calculated at the deepest part of the lot.

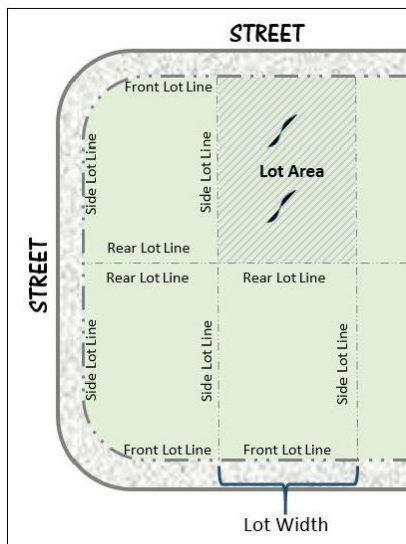


Figure 2.2.8. Lot Line and Area Diagram

- O. **Lot Line.** A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:
- (1) A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
  - (2) A rear lot line is the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
  - (3) On a corner lot, the corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.
  - (4) On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts the adjacent lot.
  - (5) A street lot line is any lot line separating a lot from a street right-of-way.
- P. **Lot Width.** Lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. For cul-de-sac lots or pie-shaped lots, lot width is measured at the front building line of the structure between side lot lines.

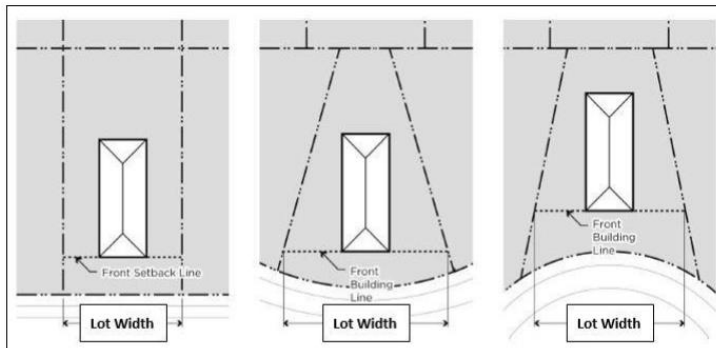


Figure 2.2.9. Lot Width Diagram

**Q. Sign Dimension Measurement.**

(1) Sign area is measured as follows:

- a. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.
- b. The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or half-circle, the sides of which touch the extreme points or edges of the sign face. For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle, or triangle, or combination thereof, which encompasses each individual letter or logo. Sign area does not include any supports or bracing.
- c. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos maintains 100% transparency of the window.
- d. The sign area of a three-dimensional, free-form, or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.
  - i. Where two sign faces are placed ~~back-to-back~~back-to-back on a single sign structure, and the faces are at no point more than three feet apart, the area of the sign shall be counted as the area of one of the faces.
  - ii. Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.

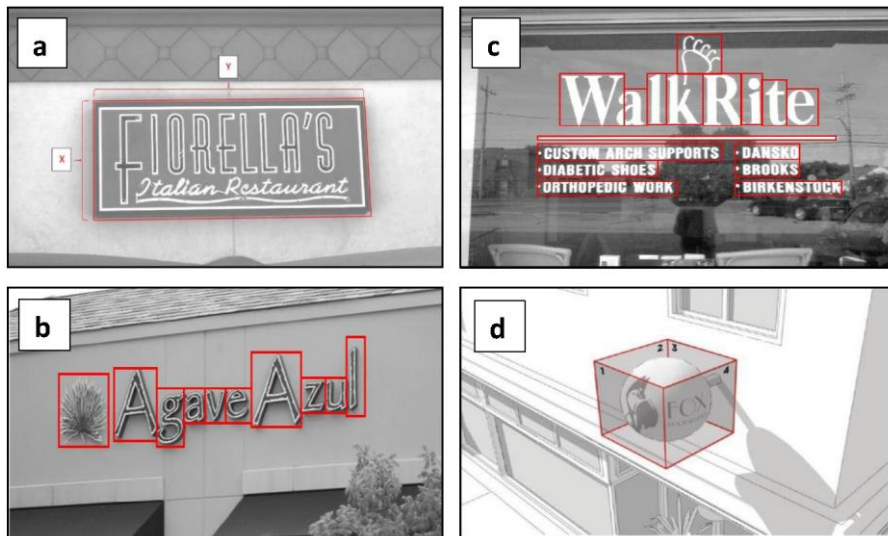


Figure 2.2.10. Sign Area Measurement Diagram

- (2) *Measurement of Sign Height.* For freestanding signs, height is calculated as the vertical distance measured from the ground adjacent to where the sign is to be installed to the highest point of the sign.

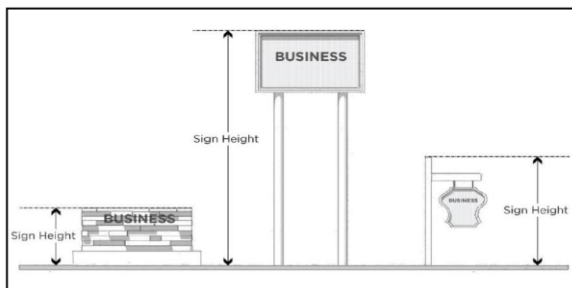


Figure 2.2.11. Sign Height Measurement Diagram

- R. **Sight Triangle.** A sight triangle is located at the intersection of a street or alley right-of-way and/or driveway pavement, and is measured at a line joining the points at a distance as follows:
  - (1) Five (5) feet from the point of the intersection of driveways and the lot line, as measured along the lot line and edge of driveway pavement.
  - (2) 25 feet from the point of the intersection of streets and/or alleys (public or private) of a corner lot, as measured along the lot line.

- (3) Driveways accessing the State Highway system shall provide ~~25-foot~~25-foot sight triangles on each side.
- (4) Permitted parking lot display areas shall provide a ~~15-foot~~15-foot sight triangle at parking aisles.
- (5) Wherever a right-of-way has an arc, the measured distance begins at a point where the property lines are extended to their intersection.

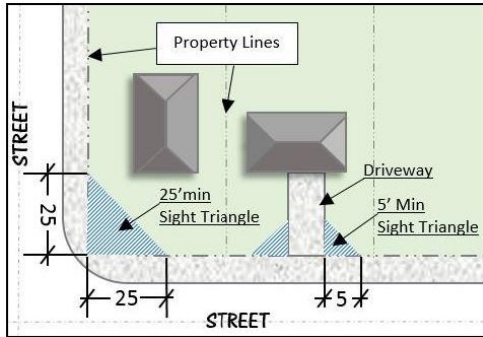


Figure 2.2.12. Sight Triangle Measurement Diagram

- S. **Yards and Setbacks.** A yard is the open space area between the building line of a principal building and the adjoining lot lines. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure, unless permitted by this Code, and may be equal to or lesser than a yard. A setback is located along a lot line for the minimum depth specified by the zoning district in which such lot is located. A build-to zone or build-to line is considered a required setback. Under no circumstance shall any residential building or its extension encroach to within 10 feet of any other occupied residential structure, whether on the same or different property.
  - (1) **Front Yard and Front Setback.** A front yard is located between a principal building line and the front lot line. A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line. The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.
  - (2) **Side Yard and Interior Side Yard Setback.** An interior side yard is located between a principal building line and the interior side lot line. An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line. The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard and setback, measured perpendicular to the interior side lot line. For townhouse developments, or multi-tenant retail centers or shopping centers, the interior side yard and interior side setback are applicable to end units only. For semi-detached dwellings or multi-tenant retail centers, the interior side yard and interior side yard setback do not apply to the lot line where the party wall is located.
  - (3) **Rear Yard and Rear Setback.** A rear yard is located between a principal building line and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line. The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the

rear yard and rear setback extend between the interior side lot line to the required corner side setback for the, measured perpendicular to the rear lot line.

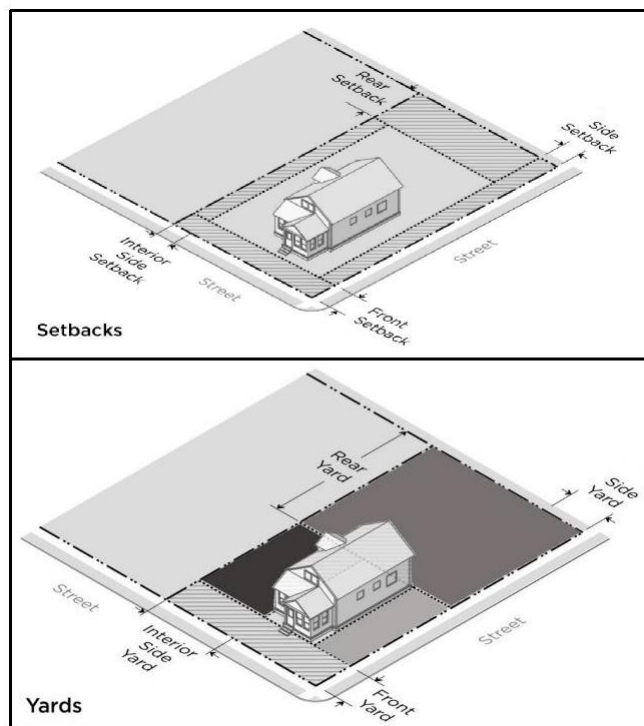


Figure 2.2.13. Setback and Yard Diagram

### **ARTICLE 3. CODE ADMINISTRATION AND ENFORCEMENT**

#### **3.1 PURPOSE**

The purpose of this article is to establish the designated individuals, departments, boards, and other bodies responsible for the administration of this Unified Development Code.

#### **3.2 DUTIES OF VARIOUS INDIVIDUALS, BOARDS, AND AGENCIES IN ADMINISTRATION OF THIS UNIFIED DEVELOPMENT CODE**

##### **A. City Manager.**

- (1) The City Manager or his designee shall be responsible for receiving requests for concurrency determinations, informing applicants of the required information, and issuing a concurrency certificate.



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- (2) The City Manager shall act as chairman of the technical review committee (TRC), setting meetings and distributing applications for major development proposals to committee members for review.
  - (3) The City Manager may approve exemptions from the requirements of these regulations as deemed appropriate in emergency situations, as provided for in subsection 3.6(F).
  - (4) The City Manager or his designee shall review stormwater management plans for conformance with the requirements of these regulations contained in Article 13, Stormwater Management.

**B. Planning and Development Department.** The Planning and Development Department shall be responsible for the administration and application of this Unified Development Code as set forth herein. The Planning and Development Department responsibilities include the following:

- (1) Determine whether a proposed development activity is consistent with the future land use map contained in the adopted comprehensive plan;
- (2) Receive applications for development approval and determine whether the development activity is a minor or major development;
- (3) Review applications for minor development and approval for permit issuance;
- (4) Refer applications which require additional review by the Historic Preservation Board or other body to the applicable board for review and action. The Planning and Development Department shall have the authority to approve minor development activities within the Community Redevelopment Areas. In addition, the Planning and Development Department shall have the authority to approve minor development activity, including signage which complies with the historic preservation guidelines in Section 11.4 of these regulations. The Planning and Development Department shall also have the authority to approve minor development activity which involve contributing structures; provided the alteration or renovation of the regulated historic structure is limited to repainting the exterior surface using the approved historic paint color chart, [addition of new fencing in compliance with the City of Milton Historic District Pattern Book](#), or replacement of windows, doors, roof, awnings with ~~the~~ [approved matching](#) historic materials and style; provided all other city regulations are met;
- (5) The planning and development director acts as the redevelopment director for the Community Redevelopment Areas;
- (6) Receive requests for special exceptions and variances and refer these to the Board of Adjustment;
- (7) Receive requests for amendments to this Unified Development Code or the comprehensive plan and refer these to the Planning Board;
- (8) Upon development order approval by the Technical Review Committee or City Council, the zoning coordinator shall coordinate the review of the construction plans and specifications for conformance to the public works manual and the Florida Life Safety Code; and
- (9) Upon determination of compliance with the public works manual and receipt of approval by the city's Florida Life Safety Code Officer, the Planning and Development Department shall authorize the issuance of a building permit.

**C. Administrative Adjustment.**

- (1) *Applicability.* Due to the individual characteristics of a given development, the strict application of all provisions of the Code may not be appropriate in all situations. Therefore, limited administrative adjustments to the provisions of this Code by the Planning Director may be permitted, in order to allow a measure of flexibility.
  - a. Administrative adjustments shall apply only to limited circumstances and shall not apply in widespread fashion (e.g., to multiple subdivision lots or to other multiple applications on a site).

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- b. The adjustment must be consistent with the purpose, design guidelines, scale, and character of the underlying zoning district.
  - c. The adjustment must be consistent with city land use policies, including but not limited to those in the comprehensive plan.
  - d. The adjustment must not adversely impact adjacent and nearby property owners and public services, or public safety, including but not limited to necessary rights-of-way, easements, dedicated tracts, and emergency access points.
  - e. The adjustment shall meet any additional approval criteria in support of public health, safety, and welfare, as may be specified by the Planning Director, based on his or her professional judgment.
  - f. The adjustment might provide flexibility for a site with natural or physical features, such as Heritage trees, vegetation, flood courses, or other features that might be adversely affected, or have adverse effects, if standards are inflexible.
  - g. Administrative adjustments to this Unified Development Code shall only occur in conjunction with the approved Criteria for Waiver or Reduction in Standards as indicated in Subsection (5) below.
  - h. In order to encourage higher density residential development in the downtown area, the developer of any apartment, townhouse or condominium complex may be permitted to increase its height and density in accordance with Subsection 4.2(K)(5).
- (2) *Maximum Authorized Adjustments.* Developments receiving an administrative adjustment on any applicable provision of this Code shall fully comply with all other relevant requirements of this Code.
- a. Any adjustment greater than the amount permitted in this subsection shall be addressed through the variance and/or special exception provisions of this Code as may be applicable to the development.
  - b. Multiple administrative adjustments may be considered for a single development proposal, but each adjustment must be evaluated independently and meet all necessary criteria.
  - c. Nonconforming or unpermitted use of neighboring lands, structures, or buildings in the same district shall not be considered grounds for an administrative adjustment.
- (3) *Review Procedure.* The Planning Director shall evaluate and approve any administrative adjustment according to the review criteria below and shall approve, approve with conditions, or deny the adjustment. At his or her discretion, the Director may refer an administrative adjustment to the Board of Adjustment or the Historic Preservation Board, as may be appropriate. In such cases, the applicant shall follow standard processes in this Code for obtaining a variance, waiver, change in zoning, etc. Certain situations involving structure height, setbacks, and others, may require approval by the Public Works Department and/or Fire and Life Safety.
- (4) *Review Criteria.* All administrative adjustments shall meet the following criteria:
- a. The administrative adjustment will be consistent with the purposes and intent of this Unified Development Code.
  - b. The administrative adjustment shall not result in activities not permitted within the applicable zoning district and/or activities inconsistent with the Comprehensive Plan.
  - c. Special conditions or circumstances exist.
  - d. The adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations.

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- e. No standard or regulation established by the State of Florida shall be violated as a result of an administrative adjustment.
- f. No required separation of uses, such as the distance between a school or church and an alcoholic beverage establishment, shall be varied as a result of an administrative adjustment.
- g. Administrative Adjustments to Zoning Standards (attached by the Planning and Development Department to the Development Application as ~~"Administrative Adjustment"~~) shall be limited to the following:
- i. Reducing minimum Front, Side, and Rear Setbacks by up to 10 percent.
  - ii. Reducing or waiving the required compatibility Front Setback;
  - iii. Increasing maximum Building Height permitted by the property development standards of the zoning district by up to 10 percent;
  - iv. Increasing maximum ISR by up to 10 percent;
  - v. Reducing Lot Area and Lot Width by up to 5 percent;
  - vi. Loading Space and Parking requirements by up to ten percent except that Parking requirements for Manufacturing, Warehousing, Wholesale or Business Services, large item community retail, all remodeling/expansion projects, and all redevelopment of existing Sites with new construction may be reduced by up to 15 percent in mixed-use and commercial zoning districts;
  - vii. Increasing the maximum projection of structural elements into Front, Rear or Side Setbacks by up to 5 percent, provided there is no reduction in the corresponding Setback requirement;
  - viii. Reducing the required screening and or buffer yards specified in this Code when the Building is located adjacent to a, public or private park or open space reserve area or when existing topography or vegetation provide a natural screen; or when the adjacent residential property is developed with an Institutional or Multi-Family Use and the location of improvements on one or both properties provides adequate Screening;
  - ix. Reducing the minimum allowed distance required between on-site ground, monument or pole signs by up to 10 percent;
  - x. Increasing the maximum allowed height and/or allowed square footage of on-site ground, monument or pole signs by up to 10 percent;
  - xi. Increasing the maximum allowed height and/or allowed square footage of individual building or wall signs or of the total allowed building sign coverage by up to 10 percent;
  - xii. Allowing structurally altered legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced; and
  - xiii. Landscape and Open Space requirements as per Article 12, may be reduced provided at least two or more, dependent upon percentage of reduction, of the Criteria for Waiver, identified in subsection 3.2(C)(5) have been met.
  - xiv. Due to the complex nature and varying degrees of development within the City there may exist certain situations, not indicated here, that may apply to the Administrative Adjustment criteria found here. The Planning Director shall have the ability to determine applicability on a case by case basis.

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(5) *Criteria for Waiver or Reduction in Standards.* All Administrative Adjustments resulting in a reduction in Zoning Standards as defined in this Unified Development Code shall be accompanied by one or more of the following as to be determined by the Planning Director given the circumstances of each individual development:

- a. Public Access to the Waterfront through deeded easement;
- b. The installation or improvement of pedestrian and/or ~~bicycle-oriented~~ bicycle-oriented features not limited to sidewalks, raised walkways, and bridges;
- c. The inclusion, in the development, of individual balconies with predominant waterfront views;
- d. The installation/construction of Public Entertainment and/or Recreational Features;
- e. The construction or provision of screening of land use transitions and On-site Public Parking facilities;
- f. Increased and creative landscaping and public open-space facilities and features;
- g. "Landmark" quality building design to be determined by the Planning Director;
- h. Underground and/or effective screening of utilities and service areas;
- i. The redevelopment and/or reuse of an existing structure;
- j. Improved and/or increased access and mobility of on-site pedestrian, bicycle, and vehicular traffic and accessibility features;
- k. The installation and/or incorporation in the development of approved permeable pavement systems;
- l. Innovative and proven energy conservation measures;
- m. The development of a Mixed-Use structure or complex with 10,000 or more square feet of floor space;
- n. The on-site construction of a privacy fence, decorative sound wall, and/or "berming" or mounding, and
- o. Other site improvements, which have not been mentioned here, provided it is in keeping with the purpose and intent of the Zoning District in which the development is occurring and this Unified Development Code.

**D. Florida Life Safety Code officer.**

- (1) The Florida Life Safety Code officer for the city reviews all site plans and construction plans and specifications, other than single-family residential, for conformance with the Florida Life Safety Code and the Florida Fire Prevention Code.
- (2) Prior to authorizing the issuance of a building permit for development activity other than single-family residential, the Planning and Development Department shall require evidence to be provided by the Florida Life Safety Code officer indicating conformance with the Florida Life Safety Code and Florida Fire Prevention Code.

**E. Technical review committee (TRC).**

- (1) The technical review committee (TRC) is composed of city staff knowledgeable in the areas of land development, building, zoning, public works and/or planning, and is appointed by the City Manager. The City Manager shall act as chairman of the technical review committee.

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- (2) The technical review committee is responsible for development review and development order approval for all major development activity, except major subdivision platting and planned development projects (PDPs). Development order approval is issued based upon a determination by the TRC that the proposed development activity conforms to the requirements of this Unified Development Code.
  - (3) The technical review committee acts in an advisory role for development activity which requires review by the planning board and approval by city council, such as major subdivision plats and PDPs, and may be called upon to confer with the board of adjustment regarding requests for special exceptions and variances.
  - (4) All minutes of the technical review committee meetings shall be filed with the Planning and Development Department.

F. **Community ~~Development Advisory~~Improvement Board.**

- (1) The Community ~~Development Advisory~~Improvement Board (~~CDAB~~CIB) provides recommendations to the City's Community Redevelopment Agencies and City Council on matters pertaining to economic development investments and activities primarily in the lands along the riverfront. Its primary responsibility is to review and evaluate all funding requests and development proposals. Nothing however prohibits their ability to evaluate other community and economic development activities in other areas if requested by Council. Further, the ~~CDAB-CIB~~ shall evaluate pertinent projects to determine the potential impacts on the community's character and unique history.
- (2) *Duties.*
  - a. The Board shall act in an advisory capacity to the City Council in matters related to economic development and business activities in development and periodic updates of the city's economic development strategic plan. ~~The Board shall also p~~Perform other duties as requested by the City Council or as considered advisable by the Committee and approved by the City Council, ~~and shall-~~  
~~a~~Act in an advisory capacity to the City Council in matters related to economic development and business activities in development and periodic updates of the city's comprehensive plan.
  - b. Make recommendations on ordinances, policies, short-term action plans, and resources allocated to business and economic development activities and programs of the city as requested by the City Council.
  - c. Have such other advisory duties granted by the City Council consistent with the business and economic development needs of the city. Identify actions to promote the economic health of the business community while preserving our unique characteristics as a welcoming riverfront community.
  - d. Promote the hospitality and tourism industry in Milton; and fostering businesses that serve and enjoy the loyalty of the Milton community.
  - e. Identify programs, policies, and activities that can help the business community recover from any economic downturn.
  - f. Pursue new and diversified businesses leveraging our expertise, including the use of a special zones, to address issues of concern.
- (3) *Membership.* The board consists of 7 members. The members shall serve 2-year terms at the pleasure of City Council and without compensation. If any member fails to attend, without cause, 50% of all meetings held during any calendar year from the date of appointment by City Council, the member's seat shall be declared vacant. The members shall be composed of individuals reflecting experience or interest in the following fields of expertise:

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- a. Financial services (banking, investment, and insurance).
  - b. Technology and communications.
  - c. Professional services (lawyers, engineers, scientific, and architects).
  - d. Arts, culture, and recreation.
  - e. Construction and real estate.
  - f. Tourism to include Eco-tourism and lodging.
  - g. Marketing and public relations.
  - h. Historic Preservation.
  - i. Small business and retail centers.
- (4) *Qualifications.* No more than three members from any area of expertise shall be appointed and serve on the board at one time. Members must reside or engage in commercial activity within the city limits of the City of Milton.

**G. Planning board.**

- (1) The city planning board is hereby designated as the local planning agency. The planning board as established under part II, section 2-521 of the City of Milton Code of Ordinances, shall be responsible for review and recommendations regarding the development, updating and amendment of the comprehensive plan and this Unified Development Code. All plan amendments and revised regulations shall require planning board review and recommendation prior to council approval.
- (2) All major subdivision plats and planned development projects shall require review and recommendation by the city planning board prior to action by the city council.
- (3) All minutes of the planning board meetings shall be filed with the Planning and Development Department.

**H. City council.** The city council is responsible for approving planned development projects and preliminary and final plats for major subdivisions. The city council also acts as the Community Redevelopment Agency (CRA) for the Community Redevelopment Areas. Any major development activity will require CRA approval of the required land use certificate for development in the community redevelopment areas. Upon approval of the land use certificate by the CRA, the development approval authority may approve the development order.

**I. Historic preservation board.**

- (1) The historic preservation board, as established in ~~Article 11.4section IV-5~~, shall issue a certificate of appropriateness for renovations or alterations to regulated historic structures within the historic district as set forth in ~~Article 11.4(B)subsection 10.4(B)~~.
- (2) The development approval authority shall require evidence of a certificate of appropriateness prior to authorizing development order of building permit approvals for historic structures as defined in ~~Article 11.4subsection 10.4(B)~~.
- (3) All minutes of the historic preservation board shall be filed with the Planning and Development Department.

**J. Board of adjustment.**

- (1) *Established; composition; term; removal.* A board of adjustment is hereby established which shall consist of seven members to be appointed by the city council, each for staggered terms of three years. Members of the board of adjustment may be removed from office by the city council in regular council action. Vacancies shall be filled by the city council for the unexpired term of the member affected.

- (2) *Proceedings; meetings.* The board of adjustment shall adopt rules necessary to conduct its affairs and in keeping with the provisions of these regulations. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings shall be open to the public. The board of adjustment 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 its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning and Development Department.
- (3) *Powers and duties.* The board of adjustment shall have the following powers and duties:
- Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any board, department or committee in the administration and application of these regulations. Decisions rendered by city council shall not be appealed to the board of adjustment;
  - Special exceptions.* To hear and decide only such special exceptions as the board of adjustment is specifically authorized to consider by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under these regulations or to deny special exceptions when not in harmony with the purpose and intent of these regulations. (Refer to subsection 3.3);
  - Variances.* To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. (Refer to subsection 3.4); and
  - Powers of Planning and Development Department on appeals.* In exercising the powers mentioned in 3.2(B) and 3.2(C), the board of adjustment may, so long as such an action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the power of the Planning and Development Department from whom the appeal is taken. (Refer to subsection 3.5).
  - Voting.* The concurring vote of four members of the board shall be necessary to:
    - Reverse any order, requirement, decisions, or determination of the Planning and Development Department, technical review committee, or other administrative official; or
    - Decide in favor of the applicant on any matters upon which it is required to decide in the application of these regulations.

K. **Designees.**

**Table 3.2.1. Summary of Approval Authority**

| Development Type/Aspect            | Approval Authority               |
|------------------------------------|----------------------------------|
| <b>Minor Development Activity:</b> |                                  |
| a) Review for UDC conformance      | Planning and development dept.   |
| b) City development permit         | Planning and development dept.   |
| c) Building permit                 | Santa Rosa County building dept. |
| d) Special exception               | Board of adjustment              |

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| e) Variance                                                 | Board of adjustment                    |
| f) Appeal                                                   | Board of adjustment                    |
| <b>Major Development Activity:</b>                          |                                        |
| a) Review for UDC conformance                               | Planning and development dept.         |
| b) Development permit                                       | Technical review committee (TRC)       |
| c) Building permit                                          | Santa Rosa County building dept.       |
| d) Special exception                                        | Board of adjustment                    |
| e) Variance                                                 | Board of adjustment                    |
| f) Appeal                                                   | Board of adjustment                    |
| <b>Major Subdivisions and Planned Development Projects:</b> |                                        |
| a) Review for UDC conformance                               | Planning and Development Dept. and TRC |
| b) Recommendation to city council                           | Planning board                         |
| c) Development order                                        | City council                           |
| d) Building permit                                          | Santa Rosa County Building Dept.       |
| e) Special exception                                        | City council                           |
| f) Variance                                                 | City council                           |
| g) Appeal                                                   | City council                           |

### 3.3 Special exceptions.

- A. **Requirements and procedures.** A special exception and/or special use shall not be granted by the board of adjustment unless and until the following requirements and procedures are met:
- (1) *Application.* A written application for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is required. No application may be filed by the same applicant for the same special exception for a period of six months, unless there is a substantial change of facts or circumstances;
  - (2) *Notice; posting; fees.* Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which the special exception is sought or his or her agent and the owners of abutting property shall be notified by mail. Notice of such hearing shall be posted in a conspicuous spot on the property for which the special exception is sought, at the city hall and in one other public place at least 15 days prior to the public hearing. The required fees as set forth in subsection 3.6(l) shall be deposited with the city clerk to cover the cost of posting notices and notification by mail;
  - (3) *Hearing.* A public hearing shall be held. Any party may appear in person, or by agent or attorney;
  - (4) *Board action; factors.* The board of adjustment shall make a finding that it is empowered under the section of these regulations described in the application to grant the special exception and; provided that the granting of the special exception will not adversely affect the public interest the board of adjustment shall confer with the appropriate representatives of boards and/or committees having the development review responsibility or specific knowledge regarding the special exception;
  - (5) *Findings.* Before any special exception shall be issued, the board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:



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- a. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and to convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b. Off-street parking and loading areas where required, with particular attention to the items in subsection (5)a, of this section and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
  - c. Refuse and service areas, with particular reference to the items in subsections (5)a. and (5)b. of this section;
  - d. Utilities, with reference to the location, availability and compatibility;
  - e. Screening and buffering with reference to type, dimensions, and character;
  - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
  - g. Required yards and other open space;
  - h. General compatibility with adjacent properties and other property in the district; and
- (6) *Restrictions.* Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.

### 3.4 VARIANCES

- A. **Requirements and procedures.** A variance from the terms of these regulations shall not be granted by the board of adjustment unless and until the following requirements or procedures are met:
- (1) *Application; conditions.* A written application for a variance (hardship relief) is submitted to the Planning and Development Department demonstrating that a hardship exists based on one of the following conditions:
- a. Special conditions and circumstances exist which are peculiar to the land, structure, or buildings involved and which are not applicable to other land, structure, or buildings in the same district;
  - b. Literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
  - c. The special conditions and circumstances do not result from the actions of the applicant; or
  - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.
- No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- No application may be filed by the same applicant for the same variance for a period of six months, unless there is a substantial change in facts or circumstances.
- (2) *Notice; hearing.* Notice of public hearing shall be given in accordance with the provisions specified in section II-4, special exceptions, and a public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- (3) *Findings.* The board of adjustment shall make a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the

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granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

- a. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
- (4) *Conditions; safeguards; violation.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under section 3.6;
- (5) *Time limit.* The board of adjustment shall prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the prescribed time limit shall render the variance null and void; and
- (6) *Substantially similar use.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; however, as provided for in these regulations, the board may make a substantially similar use determination upon request by the development approval authority.

### 3.5 APPEALS

#### A. To board of adjustment.

- (1) Appeals to the board of adjustment concerning the interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the Planning and Development Department, technical review committee, or any administrative official or board. (Decisions rendered by the city council shall not be appealed to the board of adjustment.) Appeals shall be taken within a reasonable time period, not to exceed 30 days, by filing with the Planning and Development Department and with the board of adjustment a notice of appeal specifying the grounds thereof. The Planning and Development Department shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- (2) The board of adjustment shall fix a time, not to exceed 30 days from the date the appeal was filed, for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and render their decision at the hearing. At the hearing, any party may appear in person or by agent or attorney.
- (3) An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, certifies to the board of adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such case proceedings shall not be stayed other than by a restraining order which may be granted by the board of adjustment or by an injunction granted by the circuit court on notice to the official from whom the appeal is taken and on due cause shown.

#### B. Judicial review. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the board of adjustments by petition for writ of common-law certiorari to the circuit court in and for the county, pursuant to state law.

#### C. Historic preservation board. Appeals to the city council, acting as the redevelopment agency, may be taken by any person aggrieved or by any officer or bureau of the city council affected by any decision of the historic

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preservation board. Appeals shall be taken within a reasonable time period, not to exceed 30 days, by filing with the Planning and Development Department and with the city council a notice of appeal specifying the grounds thereof. The Planning and Development Department shall forthwith transmit to the council all papers constituting the record upon which the action appealed was taken.

### 3.6 ENFORCEMENT AND PENALTIES

- A. **Administration and enforcement.** The Code Enforcement Officer, Planning and Development Director, his or her designee, and Certified Stormwater Inspectors for the city shall enforce these regulations. If he or she finds that any provisions of these regulations are being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order:

- (1) The discontinuance of the illegal use of the land, buildings, or structures;
- (2) Removal of the illegal building or structures or of the illegal additions, alterations or structural changes;
- (3) Discontinuance of any illegal work being done; or
- (4) Take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

- B. **Expiration of permit.**

- (1) *Time restrictions causing cancellation; notice.* Except as specifically provided elsewhere in this Unified Development Code, if the work described in any building permit or city development permit has not begun within six months from the date of issuance thereof, or if work ceases for a period of 12 months, said permit shall expire; it shall be canceled by the county building official or the city's Planning and Development Department as applicable, and written notice thereof shall be given to the persons affected.

Furthermore, except as specifically provided elsewhere in this Unified Development Code, if the work described in any building permit or city development permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the county building official or city Planning and Development Department as applicable, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit and/or a new development permit has been obtained.

- (2) *Expiration of permit for permanent outdoor advertising signs.* If the work described in any city development permit granted for the purpose of erecting a permanent outdoor advertising sign is not completed within 365 days from the issuance thereof, said permit shall expire; it shall be canceled by the city Planning and Development Department and written notice thereof shall be given to the persons affected.

- C. **Construction and use to be as provided in applications, plans, permits; variance considered violation.** Building permits issued on the basis of plans and applications approved by the development approval authority authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of these regulations, and shall be punishable as provided in subsections 3.6(D) and 3.6(E), below.
- D. **Code enforcement and Special Magistrate(s).** As established in Chapter 20, Article IV, Divisions 1—3, of the City's Code of Ordinances 1977, as amended in 2004, the Special Magistrate(s) functions to hear alleged Code violations, issue findings of fact based on evidence of record and conclusions of law, and issue orders

affording proper relief. The Special Magistrate is authorized to impose fines for noncompliance with these regulations and to impose liens against real property.

**E. Penalty.**

- (1) In case any building or structure is erected, constructed, reconstructed, altered, repaired or maintained, or any building, structure, land or water is used in violation of these regulations or any ordinance, the proper local city authorities, in addition to other remedies, may institute any appropriate action or proceeding in a civil action in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, and to restrain, correct, or abate such violation, to prevent the occupancy of said building, land, structure, or water, and to prevent any illegal act, conduct or business, or use in and about such premises.
- (2) Any violation of these regulations is declared to be unlawful and whenever these regulations require the doing of any act, failure to do the act is declared to be unlawful. Violations shall be punishable as civil infractions, each day any violation of any provision of these regulations shall continue shall constitute a separate offense and pecuniarily enforced as established in the City of Milton Schedule of Fees (Resolution No.: 1530-21) per offense.

**F. Emergency Exemptions.**

- (1) These regulations shall not be construed to prevent any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency including, but not limited to:
  - a. Fire, or hazards resulting from violent storms or hurricanes; or
  - b. When the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life or property.
- (2) A report of any such emergency action shall be made to the City Manager or mayor by the owner of person in control of the property upon which the emergency action was taken as soon as practicable, but no later than ten days following such action. Remedial action may be required by the City Manager subject to appeal to the city council in the event of dispute.

**G. Projects Requiring an Amendment to the City's Comprehensive Plan.**

- (1) Applications for development approval (ADA) may only be considered if the proposed development is consistent with the adopted comprehensive plan. As provided in section 4.3, there is a presumption of general consistency with the comprehensive plan if the requirements of these regulations are met.
- (2) Upon receipt of an ADA, the Planning and Development Department shall make a determination of consistency of the proposed development activity with the adopted Future Land Use Map of the comprehensive plan. Applicants for proposed developments which are not consistent with the adopted plan may apply to the Planning Board to consider a proposed plan amendment, which if approved must be reviewed by the state department of community affairs in accordance with F.S. § 163.3187.
- (3) The city will not be responsible for the preparation of any comprehensive plan amendment. The developer will hire a competent professional in the planning field to complete the comprehensive plan amendment. The developer will be responsible for any and all legal ads, public notices and registered mailings, per F.S. §§ 163.3184 and 163.3187. Required notices and mailings shall be coordinated with the Planning and Development Department.

**H. Public hearings; notice.**

- (1) If the city council calls a public hearing, the applicant shall pay the cost of notice by publication and notice by mail. Property owners shall be notified by mail when their property is located within 500 feet

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of a boundary of an area to be changed. All owners of property under consideration for change shall be notified by mail.

- (2) Any application for an amendment, supplement, change, modification or repeal of the content of these regulations shall follow the same procedure stated in subsection (1) of this section, except that no notification of property owners shall be necessary. Notice shall be by publication in the local newspaper and posted in the city hall.
- (3) Notification of owners, publication in newspapers, and posting in public places, of any application for an amendment, supplement, change, modification or repeal shall be no later than 15 days before the public hearing.

I. **Schedule of fees, charges and expenses.**

- (1) The city council shall establish by a separate resolution a schedule of fees, charges and expenses for:
  - a. Development review;
  - b. Review of technical construction plans;
  - c. Issuance of building permits;
  - d. Appeals;
  - e. Variances;
  - f. Special exceptions; and
  - g. Other matters pertaining to these regulations.
- (2) The schedule of fees shall be posted in the office of the Planning and Development Department, and may be altered or amended only by a resolution adopted by the city council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on application or appeal. A collection procedure shall be established by the Planning and Development Department.

- J. **Impounding.** The city manager, police officer, code enforcement officer or any other city employee designated by the city manager is hereby authorized to remove or have removed vehicle, boat, trailer, recreational vehicle, and/or nuisance, left at any place within the city that reasonably appears to be in violation of any unified development code, nuisance, ordinance or regulation, or lost or stolen or unclaimed. Such vehicle, boat, trailer or recreational vehicle, public nuisance shall be impounded until lawfully claimed or disposed of according to law.

( Ord. No. 1465-17 , § 1, 12-12-2017)

## **ARTICLE 4. APPLICATION PROCEDURES**

### **4.1 PURPOSE**

This article sets forth the application and review procedures and processes required for obtaining development orders, and certain types of permits.

### **4.2 DEVELOPMENT APPROVAL PROCESS**

A. **Permit Required Prior to Undertaking any Development Activity.**

- (1) *Generally.* No development activity may be undertaken unless the activity is specifically authorized by a building permit or a city development permit, as applicable.
- (2) *Prerequisites to county issuance of building permit.* A building permit may not be issued by county, unless:
  - a. The proposed major development activity is authorized by a development order, which has not expired, issued pursuant to these regulations; or the proposed minor development has been authorized by the city pursuant to these regulations; and
  - b. The proposed development activity conforms to the applicable technical construction standards, including those contained in the City Public Works Manual and those incorporated by reference throughout these regulations.
- (3) *Minor development activity exempt from requirement for a development order.* A building permit may be issued for minor development activity in the absence of a development order issued pursuant to these regulations. Unless otherwise specifically provided, the minor development activity shall conform to these regulations and applicable technical construction standards.
- (4) *Post-permit changes.* After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a permit modification. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the city Planning and Development Department's files. Very minor changes may be submitted to the Planning and Development Department via as-built drawings.

**B. Review Procedure for Development Plans.**

**Table 4.2.1. Review Procedures for Development Plans**

|                                                                                        |                                                                                                                                       |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Step 1. Pre-Application Conference.</b><br><b>(Prior to application submission)</b> | a. Developer shall meet with the Development Approval Authority to discuss the development concept, review process, and requirements. |
|                                                                                        | b. Developer may request an assessment of concurrency.                                                                                |
| <b>Step 2. Initiation of Development Review</b>                                        | a. Submission of application for development approval - "Request for Concurrency Determination" is initiated.                         |
|                                                                                        | b. Development Approval Authority shall issue a Certificate of Concurrency based on the requirements of this Code within 2 weeks.     |

- (1) *Pre-application conference; disclaimer.*
  - a. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
  - b. A preliminary assessment of concurrency shall not be construed as to constitute reliance by the developer.
- (2) *Initiating development review; application; concurrency certificate; extensions.*

- a. Upon receipt of all the required information, the City Manager or his or her designee will within two weeks make a determination of concurrency based on the requirements of section 4.3 and, if so determined, issue a concurrency certificate. The concurrency certificate shall remain valid unless either the development order or building permit expire and are not extended, or are otherwise invalidated. Major developments continuing in good faith may be granted an extension of up to six months upon application to the City Manager. Major developments continuing in good faith may be granted extensions greater than six months upon approval by the city council. Any request for an extension of development approval submitted to the city council for approval must be submitted in writing no later than the Thursday preceding the scheduled council meeting. Minor developments continuing in good faith may be granted one extension for a period of no more than six months. Once a minor development has received an extension, additional extensions will not be ~~granted~~~~granted~~, and the applicant must reapply to obtain a valid permit.
  - b. Upon issuance of a concurrency certificate, the City Manager will inform the planning and development director to initiate formal review of the application for development approval, based on the procedures specified in this article.
- C. **Withdrawal of Applications.** An application for development review may be withdrawn at any time without fees being assessed so long as no notice has been given that the application will be reviewed at a public hearing or the Technical Review Committee (TRC) has met and a completeness summary has been issued.
- D. **Major development plan review.**

**Table 4.2.2. Major Development Plan Review Procedures**

|                                                                                 |                                                                                                                                                |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Submission</b>                                                            | a. Developer shall submit development plan(s) and required documents to the City's Planning and Development Department.                        |
| <b>2. The Department shall, within <del>five-ten business</del> (510) days:</b> | a. Determine completeness of application and inform the developer of the next step.                                                            |
|                                                                                 | b. Upon determination of completeness the Department shall send copies of the development plan to members of the TRC and coordinate a meeting. |
| <b>3. Technical Review Committee shall:</b>                                     | a. Review the proposed development plan for conformance to these regulations.                                                                  |
|                                                                                 | b. Issue a Development Order complying with section 4.2(J).                                                                                    |
|                                                                                 | c. Not issue a Development Order                                                                                                               |

- (1) The developer shall submit a development plan with all documents submitted in hard copy form and electronically in pdf format and pay appropriate application fees as required in this Article.
- (2) If found to be incomplete:
  - a. The developer may submit an amended plan within 30 days without payment of an additional fee, but, if more than 30 days have elapsed, the developer must thereafter initiate a new application and pay a new fee; or
  - b. Make a determination that the plan is complete and proceed with the following procedures established in subsections (D)(3) and (D)(4) of this section.

(3) In the event that the Planning and Development Department determines that the proposed development is subject to review by the Community Redevelopment Agency (CRA) ~~and/or~~ the Historic Preservation Board (HPB), ~~and/or the Board of Adjustment~~, the applicant shall be so notified.

a. In conjunction with the distribution to the TRC, the application for development approval shall be forwarded to the applicable board or agency for its review and approval. The respective body(ies) shall have 30 days from the date of notification by the Planning and Development Department to review the application and issue the appropriate certificate.

b. Upon receipt of certification by the CRA and/or the HPB, as applicable, the Planning and Development Department shall coordinate the approval with TRC approval.

(4) For planned development projects and major subdivision plats, the TRC shall forward a recommendation to the planning board regarding development order approval.

E. **Appeal of TRC and Planning and Development Department Decisions.** The developer or any adversely affected person may appeal any decision of the Technical Review Committee (TRC) and/or the Planning and Development Department by filing an appeal with the Board of Adjustments.

F. **Project phasing; master plan required; development plan required for each phase.**

(1) For developments that are to be developed in phases, a master plan for the entire development site must be approved. The master plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development, and must be approved as a condition of approval of the development plan for the first phase.

(2) A development plan must be approved for each phase of the development under the procedures for development review prescribed in subsections 4.2(B) and 4.2(D).

a. Each phase shall include a proportionate share of proposed site and building amenities for the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

G. **Development Approval Form (ADA).**

(1) *Applications.* Completion of an application for development approval shall be required for all proposed development activity. Such applications shall be available from the Planning and Development Department.

a. A completed application shall be prepared by all owners, or their agents, of the property subject to the proposal. Signatures by other parties will be accepted only with proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signatory's office in the ~~corporation, and corporation and~~ embossed with the corporate seal.

i. A signed and sealed footer survey shall be prepared and submitted to the Planning and Development Department after the footer or foundation has been completed and prior to the continuation of the development to verify the location of all structures to be located on the site.

ii. On commercial projects and major projects an "as-built" survey and/or certification shall be provided to the Planning and Development Department prior to the release of the certificate of occupancy.

H. **Plan Submittal Requirements.**

(1) Development plans shall be submitted in addition to the ADA, pursuant to this section and shall conform to the standards outlined in this subsection and subsection 4.2(I) of this section. The Planning

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and Development Department has the discretion to determine the submittal requirements which are and are not applicable or relevant to the proposed development.

- a. Unless the Planning and Development Department or TRC determines that a different scale is sufficient or necessary for the proper review of the proposal, all site plans shall be drawn to a scale of no less than 1:40 (one inch equals 40 feet).
- b. The trim line sheet size shall be 24 inches by 36 inches. A three-quarter-inch margin shall be provided on all sides, except for the left binding side where a two-inch margin shall be provided.
- c. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each sheet.
- d. The front cover sheet of each plan shall include:
  - i. A generalized site plan showing the overall development plan, together with the principal roads, city limits, and/or other pertinent orientation information;
  - ii. A complete legal description of the property, including tax reference number;
  - iii. The name, address and telephone number of the property owner. Where a corporation or company is the property owner, the name and address of the president of the entity shall be shown;
  - iv. The name, address and telephone number of those individuals responsible for the preparation of the drawing;
  - v. Each sheet shall contain a title block with the development name, a graphic scale, a north arrow, and date.
  - vi. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number.
  - vii. The area of the property shown in square feet and/or acres.
- e. Up to six sets of required documents shall be submitted for any development activity requiring a development order.
- f. Unless a format is specifically called out in subsection (I) of this section, the information required may be presented textually, graphically, on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information.
- i. It is the developer's responsibility to submit the information in a form that allows the ready determination of whether the requirements of these regulations have been met.

I. **Detailed requirements.** In addition to the above, applications for development approval shall include the following detailed requirements as applicable:

- (1) Detailed project site plan at no less than 1:40 (one inch equals 40 feet) scale, showing all site improvements including, but not limited to:
  - a. Rights-of-way and easements within the site and adjacent to the site;
  - b. Site dimensions and setback lines;
  - c. Building footprints with exterior dimensions and square footage for all structures, including the use of the structures;
  - d. Street and driveway layouts, entrances, exits, fire-lanes, and sidewalk(s);

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- e. Parking layout showing the exact location of spaces, including handicapped spaces;
  - f. Topographic (ground) contours at intervals of no greater than two feet;
  - g. All existing trees six inches in diameter and greater, identifying those to remain and to be removed;
  - h. Landscape details, including the location and type of beds, lawn, shrubs, and trees;
  - i. Irrigation system; coverage and connection details;
  - j. Stormwater management system and holding ponds;
  - k. Wastewater lines including location and size, and lift stations; package treatment plants; septic tanks; grease traps; stub-outs for future connections to sewer, where applicable;
  - l. Water lines and meter location and size;
  - m. Gas lines and meter location and size;
  - n. Street lighting and on-site exterior lighting;
  - o. Fences, retaining walls, indicating heights;
  - p. Satellite dish location, height, and screening;
  - q. All construction within 30 feet of the Blackwater River;
  - r. Sign location and construction drawings of proposed signs showing the location, dimensions, including the area of street facing façades, lighting, etc.
  - s. Location and extent of FEMA A and V Zones and areas of special flood hazard as shown on the flood insurance rate maps (FIRM) for the city, including the minimum floor elevations;
  - t. Location and extent of U. S. Army Corps of Engineers and/or FDEP jurisdictional wetlands, on-site and immediately adjacent;
  - u. Location of potable water wellheads within 500 feet of site; ~~and~~
  - v. Location and extent of soil types utilizing soil conservation survey data; and
  - w. Any additional site-specific details and information as determined by the Planning and Development Director or his designee.
- (2) Building elevations and floor plans at scale of no less than 1:10 (one inch equals ten feet), showing building heights and major architectural features and finishes, type of construction, etc.;
  - (3) Parking space requirements calculations;
  - (4) Density requirements calculations;
  - (5) Curb cuts proposed and state department of transportation connection permits, where applicable;
  - (6) Stormwater management plan as required by these regulations in Article 13.3 -2 Stormwater Management, and any applicable state regulations;
  - (7) Location of easements, including the descriptions and purpose;
  - (8) Copies of required federal and state permits;
  - (9) Any other information required under other sections of this Unified Development Code, including the submittal requirements for the preliminary and final subdivision plats, and any plans and specifications required by the public works manual; and

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- (10) Upon construction completion, as-built site plans, including public improvements such as water, sewer, and gas lines, etc., shall be submitted to the Planning and Development Department. Such "as-built" plans shall identify any easements granted.

**J. Development order contents.**

- (1) A development order shall contain the following:
- a. A listing of any modifications which must be made to the development plan before a development order may be issued, and the time limit for submitting a modified plan;
  - b. A specific time period during which the development order is valid and during which time development shall commence.
    - i. A development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval;
  - c. A listing of all known federal, state, and regional permits that must be obtained in order for a development order to be issued; however, the developer is responsible for ascertaining and acquiring all required federal, state and regional permits;
  - d. The development order is issued contingent upon conformance to the Florida Life Safety Code and PWPM;
  - e. With regard to the concurrency management requirements contained in section 4.3, the following shall be included in the development order:
    - i. The concurrency certificate;
    - ii. A commitment by the city to the following:
      - 1) The necessary facilities shall not be deferred or deleted from the capital improvements element or the adopted three-year capital budget, unless the subject development order expires or is rescinded prior to the issuance of a certificate of occupancy; and
      - 2) Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.
- (2) A development order may include one or more of the following as conditions of approval:
- a. Commitment by the developer in a recordable written instrument to contract for the provision of the necessary services or facilities to achieve the concurrency requirements;
  - b. Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities;
  - c. An instrument of financial security, such as an open-end letter of credit or bond in the amount of 115 percent of the cost of services or facilities that the applicant is required to construct, contract for construction, or otherwise provide; and
  - d. Such other conditions as may be required by the development approval authority to ensure that concurrency will be met for all applicable facilities and services.

**K. Community Redevelopment Areas (CRAs).**

- (1) *Intent.* Specifically, it is the community redevelopment agency's intent to provide regulatory guidance and significant incentive whereby the planned development and revitalization of the downtown area may be encouraged and carried out consistent with the community redevelopment plans, hereafter referred to as the CRA Plans, as such plans have been adopted by the city council.

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(2) *Application for Development Approval; Procedure.*

- a. The community redevelopment areas (CRAs) are geographically defined in the CRA plans.
- b. Prior to initiation of development activity in the community redevelopment areas, a land use certificate shall be obtained as required under Subsection 4.2.
- c. Each application for a land use certificate shall be accompanied with a development plan which will address the submittal requirements contained in Subsection 4.2 including site location, land use, building placement, height, floor area ratio, site coverage, setbacks, parking, landscaping, driveways, building design, and signage. Said development plan shall be approved by the Community Redevelopment Agency prior to the granting of a land use certificate. Upon such approval, said development plan becomes a part of the land use certificate and may be amended only by the authority and directive of the Community Redevelopment Agency.
- d. Proposed development activity in the CRAs which exceeds five dwelling units or 5,000 square feet of nonresidential floor area shall require Community Redevelopment Agency approval of the land use certificate.
- e. Community Redevelopment Agency decisions may be appealed to the city council.

(3) *Planned Development Project Application; Procedure.*

- a. The general intent, purpose, standards and regulations, as found in Article 17 Planned Development Projects, shall not be altered for proposed planned developments in the Community Redevelopment Areas. The procedure for filing a planned development project (PDP) shall be amended as follows:
- b. In the CRAs, a pre-application conference with the redevelopment director and staff is mandatory. Submittal of a conceptual plan is also mandatory and must be reviewed and approved by the Community Redevelopment Agency prior to action by the technical review committee (TRC) and planning board. Final approval of the conceptual plan shall be granted by the city council acting as the community redevelopment agency. The city council will pass a resolution designating the site as a PDP contingent upon final plan approval.
- c. The developer will be allowed six months to submit a detailed plan. The redevelopment director and staff must indicate it substantially conforms to the conceptual plan, prior to review by the technical review committee and the planning board. The city council, acting as the community redevelopment agency will grant final approval of the detailed and final plan.

(4) *Uses Consistent with Underlying Zoning District(s).* Uses permitted within the CRAs shall be consistent with those permitted in the land use district as well as with the community redevelopment plans, as such plans may be refined and amended from time to time in accordance with the established process for amendment.

(5) *CRA Bonus Opportunities.*

- a. *Residential.* In order to encourage higher density residential development in the downtown area and implement the CRA plans, the developer of any apartment, townhouse or condominium complex may be permitted to increase its height and density in accordance with the following:
  - i. The developer of a complex situated on a CRA site may increase the building height of the complex to six stories or 75 feet, whichever is the lesser, and its floor area ratio to a maximum of 4.5; provided the development meets five of the Criteria for Waiver identified in Subsection 3.2(C). Any increase in height must be in accordance with the provisions contained in sections 6.2(B) and 6.3(B), general regulations.

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- b. *Commercial.* In order to encourage high quality commercial development within the downtown area and implementation of the CRA Plans, the developer of a single purpose or mixed use commercial building or complex within the CRAs may increase the building height to a maximum of six stories and its floor area ratio to a maximum of 4.5 by providing in the plans and funding the development of any four of the Criteria for Waiver identified in Subsection 3.2(C). Any increase in height must be in accordance with the provisions contained in sections 6.2(B) and 6.3(B), general regulations.
  - c. Exercise of these bonus provisions must be requested by the developer in writing stating the basis upon which it is requested and must be granted by the city council acting as the redevelopment agency.
- (6) *Supplementary Design Review Regulations.* Additional Design Review shall be in accordance with Subsection 11.4(D).

#### 4.3 CONSISTENCY AND CONCURRENCY DETERMINATIONS

##### A. Generally.

- (1) *Purpose.* The purpose of this section is to describe the requirements for determining the consistency of proposed development projects with the city comprehensive plan, in addition to meeting the concurrency requirements.
- (2) *Intent.* It is the intent of this section to ensure the availability of facilities and services necessary to serve the proposed development, at the adopted level of service standard, concurrent with the impacts of the development. It is further the intent to ensure that a concurrency determination is made by the city prior to the issuance of a development order.

##### B. Consistency with Comprehensive Plan.

- (1) *Presumption.* A development proposal shall be presumed to be consistent with the city comprehensive plan if the proposal is found to meet all the requirements of these regulations, excepting those aspects of the development addressed by the comprehensive plan but not covered by these regulations.
- (2) *Challenging the consistency of a development proposal.* Any public official or citizen may question the consistency of a development proposal with the comprehensive plan. If a question of consistency is raised, the Planning and Development Department shall make a determination of consistency. The determination will be made prior to the final approval of the development plan by the city. The determination shall be supported with written findings.
- (3) *No presumption in favor of concurrency.* Notwithstanding the presumption created in subsection (a) of this section, all applications for development approval within the city shall demonstrate that specified public facilities will be available at the prescribed levels of service concurrent with the impact of the development on those facilities.
  - a. A determination of compliance with concurrency requirements shall be through the procedures described in 4.3(c).

##### C. Concurrency Management System.

- (1) *Generally.* The following method of ensuring concurrency shall be known as the Concurrency Management System (CMS) for the City of Milton. The CMS is based upon the city comprehensive plan, especially the capital improvements element and the adopted level of service standards. The system is designed to ensure that the issuance of a development order, city development permit or building permit by the city or county building official will not result in a degradation of the adopted levels of service for specified public facilities and services. The CMS also includes an annual monitoring system

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for the determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

(2) *Adopted levels of service shall not be degraded.*

a. *General rule.* The general rule regarding concurrency is as follows:

- i. All applications for development approval shall demonstrate that the proposed development does not degrade adopted levels of service in the city. The adopted levels of service imply that sufficient treatment, collection and distribution systems must be available and must be adequate to accommodate the additional demands imposed by the proposed development. Any new collection and distribution lines shall be sized in accordance with the requirements contained in the city public works manual; and
- ii. The latest point at which concurrency is determined is prior to the final development order approval by the appropriate development approval authority. In the case of new subdivisions, the latest point at which concurrency is determined is prior to preliminary plat approval.

b. *Exception.* Notwithstanding subsection (2)(a) of this section, the adopted levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the adopted levels of service will be met, unless otherwise prohibited by local, state or federal requirements.

(3) *Determination of available capacity.* For purposes of these regulations, the available capacity of a facility shall be determined by:

a. Adding together:

- i. The total capacity of existing facilities operating at the required level of service; and
- ii. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
  - 1) Necessary facilities are in place, or are under construction, at the time the development order or permit is issued;
  - 2) The development order is issued contingent upon the necessary facility and/or service being in place when the impacts of development occur. In the case of residential subdivisions, the time at which the impacts of development occur may be considered to be up to three years from final plat approval;
  - 3) The necessary facilities are guaranteed in an enforceable development agreement which ensures that the necessary facilities and/or services will be in place when the impacts of the development occur, or for roads and recreational facilities, which ensures that the actual construction will commence within three years of the development order's issuance; and
  - 4) The necessary facilities are the subject of a binding executed contract for construction at the time of issuance of the development order or development permit, for roads, parks and recreational facilities. The actual construction or provision of service must commence within three years of issuance of the development order or permit.

b. Subtracting from that number the sum of:

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- i. The demand for the service or facility created by the existing development as documented in the city comprehensive plan or as updated based on related state agency data; and
    - ii. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.
  - (4) *Action upon failure to show available capacity.* Where available capacity cannot be shown, the following methods may be used to maintain the adopted level of service:
    - a. The project owner or developer may provide the necessary improvements to maintain the adopted level of service. In such case, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with the calculations of capacity mentioned in subsection (3)(a) of this section.
    - b. The proposed project may be altered such that the projected level of service is no less than the adopted level of service.
  - (5) *Burden of showing compliance on developer.* The burden of showing compliance with the level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information to indicate that adequate facilities and/or services are available at the adopted LOS standards at the time of development impact. This information shall include, but is not limited to, the following:
    - a. Statements or letters of available capacity from local utility providers (i.e., sanitary sewer and potable water);
    - b. A statement of demand generated by the development for solid waste disposal and recreational facilities;
    - c. Copies of FDEP permits for stormwater management in compliance with F.A.C. Ch. 62-25 or letters of exemption thereof;
    - d. Statements relating to the number of vehicle trips generated by the proposed development and identification of related roadway impacts.

A detailed traffic impact study (TIS) shall be required for any development contributing more than five percent of the adopted level of service maximum roadway volume, or any development significantly altering access to or traffic flow on arterial and collector roadways. The purpose of such traffic impact study shall be to assess the roadway level of service given projected traffic volumes and to determine traffic improvements needed to accommodate development impacts.

- (6) *Determination of concurrency.* The determination of concurrency occurs prior to the application review for development approval and shall include compliance with the level of service standards as adopted by the city.
- (7) *Annual report.* The city shall monitor the concurrency provision through the preparation of an annual report on the CMS. The initial year of concurrency monitoring, however, shall be based on data contained in the relevant elements of the 2014 Milton Comprehensive Plan. Each annual report shall contain:
  - a. A summary of the actual development activity, including a summary of certificates of occupancy, indicating the quantity of development represented by type and square footage.
  - b. A summary of building permit activity issued by the county, within the city, indicating:
    - i. Those that expired without commencing construction;

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- ii. Those that are active at the time of the report; and
  - iii. The quantity of development represented by the outstanding building permits.
  - c. A summary of development orders approved, indicating:
    - i. Those that expired without subsequent building permits;
    - ii. Those that were completed during the reporting period;
    - iii. Those that are valid at the time of the report, but do have associated building permits or construction activity; and
    - iv. The phases and quantity of development represented by the outstanding development orders.
  - d. An evaluation of each facility and service indicating:
    - i. The capacity available for each at the beginning of the reporting period and at the end of the reporting period;
    - ii. The portion of the available capacity held for valid development orders;
    - iii. A comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits;
    - iv. A comparison of actual capacity and levels of service to adopted levels of service from the city comprehensive plan;
    - v. A forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the city capital improvements element.
- (8) *Use of annual report.* The CMS annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development approvals and development permits during the 12 months following completion of the annual report.

**D. Adopted levels of service.**

- (1) *Potable water.* Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service for potable water of 100 gallons per capita per day as established in the potable water sub-element of the city comprehensive plan (1ERU-250 GPD).
- (2) *Sanitary sewer.* Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service for wastewater treatment of 100 gallons per capita per day as established in the sanitary sewer sub element of the city comprehensive plan (1ERU-250 GPD).
- (3) *Transportation system.*
  - a. *Level of service.* Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the traffic circulation element of the city's comprehensive plan. See the following traffic circulation table:

**Table 4.4.1. Traffic Circulation Levels of Service**

| Facility Type       | Peak Hour Level of Service |
|---------------------|----------------------------|
| Principal arterials | D                          |
| Minor arterials     | D                          |
| Collectors          | D                          |



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- b. *Determination of project impact.* The impact of proposed development activity on available capacity shall be determined as follows:
    - i. The area of traffic impact of the development shall be determined by the developer subject to review and approval by the city.
    - ii. The projected level of service for roads within the traffic impact area shall be calculated based upon estimated trips to be generated by the project utilizing the Institute of Traffic Engineers trip generation rates by land use type. Where the development will have access to more than one road, the calculations shall show the split in generated traffic and state the assumptions used in the assignment of traffic to each facility.
  - (4) *Drainage system.* Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service which specifies the design storm as a 100-year critical duration storm, and to treat the first inch of runoff for sites less than 100 acres in size as required in Article [1342](#), Stormwater Management. Additionally, development activities must comply with the stormwater management provisions as contained in this Unified Development Code.
  - (5) *Solid waste.* Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of 4.4 pounds per capita per day for solid waste as established in the solid waste sub-element of the city comprehensive plan.
  - (6) *Recreation.* Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five acres per 2,000 people for recreational facilities as established in the recreation and open space element of the city comprehensive plan.

#### 4.4 TRANSPORTATION PROPORTIONATE FAIR-SHARE PROGRAM

- A. **Purpose and intent.** The purpose of these regulations is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with F.S. § 163.3180(16).
- B. **Findings.**
  - (1) The council finds and determines that transportation capacity is a commodity that has a value to both the public and private sector and that the city proportionate fair-share program:
    - a. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
    - b. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility;
    - c. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
    - d. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the city to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the capital improvements element;

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- e. Is consistent with F.S. § 163.3180(16), and supports the following policies in the city comprehensive plan:
    - i. Transportation element goal 1, objectives 1.1 through 1.5 and policies 1.1.1 through 1.5.3 of the comprehensive plan, as amended.
    - ii. Capital improvement element goal 1, objectives 1.1 through 1.5 and policies 1.1.1 through 1.4.4 of the comprehensive plan.
  - (2) The proportionate fair-share program shall apply to all developments in city that impact a road segment in the city Concurrency Management System (CMS) and have been notified of a failure to achieve transportation concurrency approval. The proportionate fair-share program does not apply to designated Transportation Concurrency Exception Areas (TCEAs) or to Developments of Regional Impact (DRIs) using proportionate share under F.S. § 163.3180(12), or to developments exempted from concurrency.

**C. Requirements.**

- (1) An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:
  - a. The proposed development is consistent with the comprehensive plan and this Unified Development Code.
  - b. The city five-year capital improvement program (CIP) or an adopted long term concurrency management system includes transportation improvements that, upon completion, will accommodate the additional traffic generated by the proposed development.
- (2) The city may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share program by contributing to an improvement that, upon completion, will accommodate the additional traffic generated by the proposed development, but is not contained in the CIP where one of the following apply:
  - a. The city adopts, by resolution or ordinance, a commitment to add the improvement to the five-year CIP no later than the next regular update. To qualify for consideration under this section, the proposed improvement must be reviewed by the city council, and determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1, consistent with the comprehensive plan, and in compliance with the provisions of these regulations. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.
  - b. If the funds in the adopted city five-year CIP are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the city may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. To qualify for consideration under this section, the proposed improvements must be contained in an adopted short- or long-range plan or program of the local government, MPO, FDOT and/or transit agency. Proposed improvements not reflected in an adopted plan or improvement program, but that would significantly reduce access problems on a major road, such as new roads, service roads, or improved network development and connectivity, may be considered at the city's discretion. The improvements funded by the proportionate fair-share component must be adopted into the five-year CIP of the comprehensive plan at the next annual capital improvements element update.

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

D. **Intergovernmental coordination to be established.** Pursuant to the policies in the city's intergovernmental coordination element, the city shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

E. **Application; contents; notice; hearing; approval.**

- (1) Upon notification of a failure to satisfy transportation concurrency, applicants shall be notified in writing whether they may be eligible to satisfy transportation concurrency through a proportionate fair-share contribution.
- (2) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the strategic intermodal system (SIS), then the state department of transportation (FDOT) will be notified and invited to participate in the pre-application meeting.
- (3) Eligible applicants shall submit an application to the city that includes an application fee as currently established or as hereafter adopted by resolution of the city council from time to time and the following:
  - a. Name, address, and phone number of owner, developer and agent;
  - b. Property location, including parcel identification numbers;
  - c. Legal description and survey of property;
  - d. Project description, including type and amount of development;
  - e. Phasing schedule, if applicable;
  - f. Description of the requested fair-share method; and
  - g. Copy of the concurrency denial.
- (4) The Planning and Development Director shall review the application and certify that the application is sufficient within ten business days. If an application is determined to be insufficient or ineligible to participate, the applicant will be notified in writing of the reasons for such deficiencies within ten business days of the application's submittal. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The council may in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies; provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- (5) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the strategic intermodal system (SIS) requires the concurrence of the state department of transportation (FDOT). The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (6) When an application is deemed sufficient and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a strategic intermodal

system (SIS) facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the city council date when the agreement will be considered.

- (7) The city shall notify the applicant regarding the date of the council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the council.

**F. Proportionate fair-share obligation; requirements; calculations.**

- (1) The proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively:
  - a. Private funds;
  - b. Contributions of land; and
  - c. Construction and contribution of facilities.
- (2) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12) as follows: "The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from the construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of the developer payment, of the improvement necessary to maintain the adopted level of service."

Or

**Table 4.5.1. Calculation - Proportionate Fair-Share Obligation**

|                     |   |                                                                                                                                                                                                                                                                                                                          |
|---------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proportionate share | = | $\sigma [((\text{Development trips}/(\text{SV increase})) \times \text{cost})]$                                                                                                                                                                                                                                          |
| <b>Where:</b>       |   |                                                                                                                                                                                                                                                                                                                          |
| Development trips   | = | Those trips from the development that are assigned to the roadway segment and have triggered a deficiency per the concurrency management system;                                                                                                                                                                         |
| SV increase         | = | Service volume increase provided by the eligible improvement to the roadway segment per E;                                                                                                                                                                                                                               |
| Cost                | = | Adjusted cost of the improvement to the segment. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection and physical development costs directly associated with the construction at the anticipated cost in the year it will be incurred. |

- (4) For the purposes of determining proportionate share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvements program, the MPO transportation improvement program, or the FDOT work program.

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Where such information is not available, improvement cost shall be determined using one of the following methods:

- a. An analysis by the city of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the council. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor; or
- b. The most recent issue of FDOT Transportation Costs, as adjusted based upon the:
  - i. Type of cross section (urban or rural);
  - ii. Locally available data from recent projects on acquisition, drainage, and utility costs; and
  - iii. Significant changes in the cost of materials due to unforeseeable events.

This method shall be used for all state road improvements not included in the adopted FDOT work program.

- (5) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
- (6) If the city has accepted the right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 80 percent of the most recent assessed value by the county property appraiser or, at the applicant's option, by the fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city's estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference.

**G. Proportionate fair-share agreements.**

- (1) Upon the execution of a proportionate fair-share agreement (agreement) the applicant shall receive a city certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months of the agreement's execution, the agreement shall be considered null and void, and the applicant shall be required to reapply.
- (2) Payment of the proportionate fair-share contribution is due in full prior to the issuance of the final development order or recording of the final plat and shall be nonrefundable. If the payment is submitted more than 12 months from the date of the agreement's execution, the proportionate fair-share cost shall be recalculated at the time of the payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section H and adjusted accordingly.
- (3) Developer improvements authorized under these regulations involving dedications to the city must be completed upon the final acceptance of the improvements and receipt of a warranty bond.
- (4) Developer improvements authorized under these regulations not involving dedications to the city must be completed upon the recording of a final plat or upon the issuance of a certificate of occupancy.
- (5) Any requested change to a development project subsequent to a development order will be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic.
- (6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the agreement's execution. The application fee and any associated advertising costs to the city will be nonrefundable.

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H. **Appropriation of fair-share revenues.**

- (1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the city Capital Improvements Program (CIP), or for use as otherwise established in the terms of the proportionate fair-share agreement.
- (2) In the event a scheduled facility improvement is removed from the CIP, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor that would mitigate the impacts of development pursuant to the requirements of this code.

**4.5 IMPACT FEES FOR NEW DEVELOPMENT**

- A. **Authorization.** This section is enacted pursuant to the general police power, the authority granted to cities by section 2(b), article VIII, of the Florida Constitution, F.S. Ch. 166, and F.S. §§ 163.3161 through 163.3244.
- B. **Purpose and intent.** This section is enacted for the purpose of requiring that new development pay for its fair share of public facilities through the imposition of impact fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the city for public facilities and services that serve such development.
- C. **Applicability.** Unless expressly accepted or exempted, this section applies to all fees which may be imposed by the city to finance capital facilities and maintain levels of service, the need for which is created by new development including, but not limited to:
  - (1) Affordable housing fees;
  - (2) Park and recreational fees;
  - (3) Drainage fees;
  - (4) Police/public safety fees;
  - (5) Transportation improvement fees;
  - (6) Public works fees;
  - (7) Public art and cultural events fees;
  - (8) Fire department fees;
  - (9) Library fees; and
  - (10) Public education fees.
- D. **Exemptions.** This division does not apply to:
  - (1) Taxes and special assessments;
  - (2) Fees for processing development applications;
  - (3) Fees for the enforcement of or inspections, pursuant to regulatory ordinances;
  - (4) Fees for utility connection or utility impact fees which are authorized by city Code provisions outside of this section;
  - (5) Fees collected under development agreements, other than impact fees;
  - (6) Fees imposed pursuant to a reimbursement agreement between the city and a property owner for that portion of the cost of a public facility paid for by the property owner which exceeds the need for the public facility attributable to, reasonably related to, and roughly proportional to the development;
  - (7) Fees to mitigate impacts on the environment;

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- (8) Fees imposed, levied, or collected by other governmental agencies, including subdivisions of the state and federal government; and
  - (9) Stormwater utility fees which are authorized by city Code provisions outside of this section.

**E. Imposition, calculation and collection of impact fees.**

- (1) *Calculation of an impact fee* shall mean to determine the amount of impact fee to be imposed on a particular development project and includes an individual determination showing a reasonable, and roughly proportional, relationship between:
  - a. The fee's use and the type of development project on which the fee is imposed;
  - b. The need for the public facility or service and the type of development project on which the fee is imposed; and
  - c. The fee amount and the cost of the portion of the public facility or service attributable to the development on which the fee is imposed.
- (2) The city may only impose impact fees as a condition of approval of new development projects as provided in this section. Fees shall be calculated upon the net increase in density or intensity represented by the new development.
- (3) The base fee amount of each impact fee for residential and nonresidential development, for each type of public facility or service funded by impact fees, shall be calculated at least every three years and adopted by ordinance. When the city manager determines that it is appropriate to the particular public facility or service, the fee amount may be calculated, imposed and expended by benefit area.
- (4) After an individualized determination that each impact fee for a development project has been calculated as provided in this section, impact fees shall be imposed prior to issuance of any building permit.
- (5) Impact fees shall be collected by the city manager at the time of, and as a condition for, issuance of an application for development approval. In no case shall a building permit be issued by the county until such time as the fees established here are collected, except that connection fees shall be collected at the time of application for connection to the utility system.
- (6) An administrative fee, in the amount of five percent of the impact fee imposed on a development project, shall be collected from that development project with, and in addition to, the impact fee for the purpose of defraying the city's cost of administering the impact fee program.
- (7) In the event the impact fees are paid prior to, or concurrent with, the issuance of a building permit and subsequently the building permit is amended, the applicant shall pay the impact fee in effect at the time the amended building permit is issued with credit being given for the previous fees paid.
- (8) In the case of the change of use, redevelopment, expansion, or modification of an existing use of a site which requires the issuance of a building permit, the impact fee shall be based upon the net increase in density or intensity of the proposed use as compared to the most immediately-preceding use of the property for which the permit is requested.

**F. Notice and hearing required for establishing or increasing impact fees.**

- (1) Prior to establishing or increasing any particular impact fee, the city council shall hold a public hearing.
- (2) Notice of the time and place of the public hearing, including a general explanation of the matter to be considered, shall be published as required for the adoption of a general ordinance pursuant to F.S. § 166.041.

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- (3) At least ten days prior to the public hearing, the city shall make available to the public data showing the amount or the estimated amount of the impact fee and a summary of the basis for the calculation of the impact fee amount.
  - (4) City council action to establish or increase any impact fee shall be taken only by an ordinance containing findings which demonstrate the basis for calculating the fee.

G. **Independent impact analysis.**

- (1) A developer may choose to use an independent impact analysis to compute the impact fee due as a result of a development.
- (2) The developer shall be responsible for the preparation of the draft independent impact analysis and the city manager may accept, reject, or modify the draft analysis.
- (3) The city manager shall have the authority to approve the person or firm who prepares the draft independent impact analysis on the basis of the person or firm's professional training and experience in preparing development impact analysis. The independent impact analysis shall follow standard methodologies and formats. Prior to the submission of the draft independent impact analysis, the developer shall meet with the city manager to review the requirements for preparing draft independent impact analysis.

H. **Impact fee accounts.** The city may provide for a separate accounting of each type of capital improvement for which an impact fee is imposed. Where benefit areas have been designated by the city manager there may be a separate accounting for each benefit area. The impact fees collected shall be separately accounted for according to type of improvement and benefit area, if relevant. The funds for each impact fee shall be specifically tracked, monitored and accounted for separate from other funds of the city.

I. **Use of impact fee proceeds.** Impact fees may be expended only for the type of capital improvements for which they were imposed, calculated, and collected, in accordance with the time limits and procedures established in this section. If the impact fees were calculated and collected by benefit area, then the fees may be expended only in the benefit area in which they were collected. The impact fees may be used to pay the principal, interest, and other costs of bonds, notes, and other obligations issued or undertaken by or on behalf of the city to finance such improvements.

J. **Refunds.**

- (1) Upon application of the property owner, the city may refund that portion of any impact fee which has been on deposit over six years and which is unexpended and uncommitted, except as described in subsection (b) of this section. The refund shall be made to the then-current owner of lots or units of the development project.
- (2) If fees in any impact fee account are unexpended or uncommitted during the sixth year, the fees are exempt from subsection (a) of this section if the city council makes the following findings:
  - a. A need for the capital improvement still exists;
  - b. The fees will be used for an identified purpose within two years; and
  - c. The purpose for which the fees will be used is substantially similar to the purpose for which the fees were collected.
- (3) The city may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property or otherwise by agreement with the owner.

K. **Statute of limitations.** Any judicial action or proceeding to attack, review, set aside, or annul the reasonableness, legality, or validity of any impact fee must be filed and service of process affected within 90

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days following the date of imposition of the fee or the final determination of the city council, whichever is later.

- L. **Amendment procedures.** Prior to the city council's adoption of the budget and revisions to the capital improvements project list, the city manager shall report at least once every three years to the city council with:
- (1) Recommendations for amendments to this section, if any;
  - (2) Proposals for changes to the capital improvements project list, identifying capital improvements to be funded in whole or in part by impact fees, if any;
  - (3) Proposals for changes in the boundaries of benefit areas, if any; and
  - (4) Proposals for changes to impact fee rates and schedules, if any.
- M. **Analysis and establishment of fees.** Consistent with the foregoing requirements of this section, the city council shall adopt an appropriate impact fee by resolution from time to time. The analysis utilized to establish the applicable fee shall be maintained on file in the city clerk's office.

## ***ARTICLE 5. ZONING DISTRICTS AND ZONING MAP***

### **5.1 LEGAL INTERPRETATION OF DISTRICTS AND BOUNDARIES**

- A. The City of Milton Future Land Use Map, being the date September 1990, in addition to any subsequent amendments thereto shall dictate the location and extent of land use districts designated on the city zoning map. The zoning map, entitled "the Zoning Map of the City of Milton," including all the notations, references and other information shown thereon, is hereby made a part of these regulations as if such information set forth on the map was fully described and set herein. This zoning map, properly attested, is on file in the city hall.
- B. In the establishment by this article of the respective districts, the city council has given due and careful consideration to the peculiar suitability of each district for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangement of the various uses and densities of population in accordance with a well-considered plan for the development of the area.
- C. The boundaries of such districts as are shown upon the zoning map adopted by this article or amendment thereto, are hereby adopted and approved. The regulations of this article governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters as are hereinafter set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon such map.
- D. Where uncertainty exists as to the boundaries of any district shown on such map, the following rules shall apply:
- (1) Where such district boundaries are indicated as approximately following street centerlines, alley lines or lot lines, such lines shall be construed to be such boundaries;
  - (2) Where district boundaries are indicated as approximately parallel to the centerlines of streets or highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is indicated on the zoning map, the scale of the map shall determine;
  - (3) In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

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Where a district boundary line divides a lot into equal sections, the more restrictive classification shall regulate. If a lot is divided into unequal sections, the regulation shall be the same as that in the largest section;

- (4) Where any street or alley is hereafter officially vacated or abandoned, the regulation 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;
- (5) Where a lot or parcel of land in a residential district has an area or a width less than the minimum required in the zoning district and was owned as a separate unit and shown as a lot of record on the date of passage of these regulations, such lot or parcel of land may be used only for single-family dwelling purposes; and
- (6) In cases of uncertainty, the zoning coordinator shall interpret the zoning map or maps as to the exact location of the boundaries. Any such decision may be appealed to the board of adjustment.

## 5.2 ZONING DISTRICTS

### A. Residential Districts.

- (1) R-1AA—Low Density Residential, Single Family Zoning District
- (2) R-1A—Medium Density Residential, Single Family Zoning District
- (3) R-1—High Density Residential, Single Family Zoning District
- (4) R-2—Residential, One and Two Family Zoning District
- (5) R-3—Residential, Multi-Family Zoning District

### B. Commercial Districts.

- (1) C-1—Neighborhood Retail Commercial Zoning District
- (2) C-2—General Commercial Zoning District
- (3) C-3—High Intensity Commercial Zoning District

### C. Special Districts.

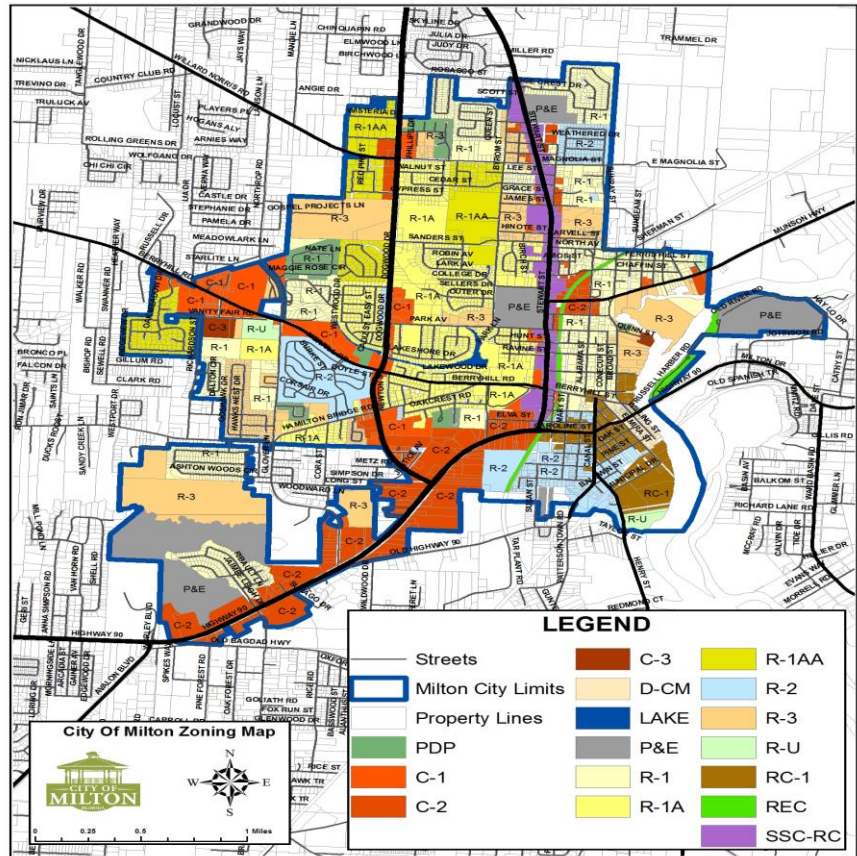
- (1) R-C1—Residential Commercial Mixed-Use Zoning District
- (2) D-CM—Downtown Commercial Mixed-Use Zoning District
- (3) SSC-RC—Stewart Street Corridor, Residential Commercial Mixed-Use Zoning District
- (4) R-U—Rural Urban Zoning District
- (5) P-E—Public and Educational Zoning District
- (6) CON—Conservation Zoning District
- (7) REC—Recreation Zoning District
- (8) ABOD—Alcoholic Beverage "On-Premises" Overlay District

### D. Special Development Types.

- (1) PDP—Planned Development Project

( Ord. No. 1471-18 , § 2, 5-8-2018)

### 5.3 ZONING MAP



## ARTICLE 6. ZONING DISTRICT REGULATIONS

### 6.1 GENERAL ZONING DISTRICT REGULATIONS

All development on a parcel of land within a Zoning District within the boundary lines of the City of Milton is subject to the standards of this Article for the applicable zoning district and to all of the applicable standards of this Code.

For Development Application and Review Processes, including Adjustments, refer to Articles 3 and 4 respectively.

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For Allowable Uses refer to Article 7.

For Use Standards, including required Design Elements refer to Article 8.

For Site Development Standards and Accessory Structure Standards refer to Article 9.

For Resource Protection Standards Refer to Article 11.

For Landscaping standards refer to Article 12.

For Stormwater Standards refer to Article 13.

For Parking, Right-of-Way, and Access Management Standards refer to Articles 14 and 15 respectively.

For Sign Standards refer to Article 16.

For Subdivision and Planned Development Project Standards, refer to Articles 17 and 18 respectively.

- (1) *Historic District Development.* The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Design Guidelines for the Historic District shall be adhered to within the designated Historic District. Development may require additional review.
- (2) *Community Redevelopment Areas.* Any development and/or redevelopment activity within the City's Community Redevelopment Area's and/or the Historic District shall require additional review and approval by the Historic Preservation Board and/or other Approval Authority.

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## 6.2 RESIDENTIAL DISTRICTS

### A. Purpose/Intent Statements.

- (1) *General Intent.* In order to regulate and limit the height and size of buildings, to regulate public and private space and areas of open space within and surrounding buildings, to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses, the land area within the city is hereby divided into the following zoning districts.
- (2) *R-1AA Single-Family Residential Zoning District.* The R-1AA Single-Family Residential Zoning District is intended to provide for a neighborhood environment of single-family detached dwellings located on larger lots of 12,500 square feet or more. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be conditionally permitted by the City Council following review by the Planning Board.
- (3) *R-1A Single-Family Residential Zoning District.* The R-1A Single-Family Residential Zoning District is intended to provide for a neighborhood environment of single-family attached and detached dwellings located on 9,000 square foot lots that reflect the predominant pattern of single-family residential development in the Planning Area. Limited nonresidential uses that are compatible with surrounding residential neighborhoods may be conditionally permitted by the City Council following review by the Planning Board.
- (4) *R-1 Single-Family Residential Zoning District.* The R-1 Single-Family Residential Zoning District is intended to provide for a neighborhood environment of single-family attached and detached located on 7,500 square foot lots that have been established with a smaller lot size than the predominant pattern of single-family residential development. Lots platted prior to the date of the ordinance from which this article is derived shall have a minimum lot area of 5,000 square feet for each single-family dwelling. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be conditionally permitted by the City Council following review by the Planning Board.
- (5) *R-2 One and Two Family Residential Zoning District.* The R-2 One and Two Family Residential Zoning District is intended to provide for a denser neighborhood environment of single-family detached and attached and two-family dwellings on lots with a smaller lot size ranging from 6,500 square feet for Single Family to 10,000 square feet for Two Family units, to provide for a more intensive form of residential development. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be conditionally permitted by the City Council following review by the Planning Board. This district may function as a transitional zone between predominantly single-family neighborhoods and adjacent higher density multi-family neighborhoods, mixed-use areas, and non-residential areas.
- (6) *R-3 Multi-Family Residential Zoning District.* The R-3 Multi-Family Residential Zoning District is intended to provide for an environment of various dwelling types permitted at higher development densities, including single-family detached and attached, two-family, townhouse, condominium, and low to mid-rise multi-family dwellings. Neighborhood-commercial, live-work units, and light intensity commercial uses and services are encouraged. Furthermore, the District is intended to provide areas where a variety of housing types will exist with and among neighborhood commercial and institutional uses while at the same time creating a dominant architectural character and emphasizing ~~pedestrian-oriented~~ **pedestrian-oriented** activities and ease of access.

### B. General Residential District Regulations.

- (1) *Residential Districts Dimensional Standards for Non-Residential and Mixed-Use Structures in Addition to Tables 6.2.2 and 6.2.3.*

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- a. The front yard setback shall only be required on the primary side of the structure for which a lot has dual street frontage.
  - b. Non-Residential and Mixed-Use Structures are prohibited from external and outside storage and the generation of noise pollution detected outside of the building or non-residential use.
  - c. Where permitted, non-residential buildings may be increased in height; provided that the building is set back from all required yard lines one additional foot for each three feet such building exceeds the height limitation of the zoning district. However, no building shall exceed 48 feet in height except as provided in Subsection 4.2(K).
- (2) *Permitted Intrusions.* Intrusions into required building setbacks shall apply with the following additions. The following intrusions are permitted in any required building setback unless otherwise noted.
- a. Required driveways are permitted in the minimum setback.
  - b. Awnings or overhanging eaves may be permitted to project into minimum setbacks provided the following conditions are met:
  - c. The following materials are approved for the construction of awnings and overhanging eaves:
    - i. Industry accepted metal;
    - ii. Canvas; and
    - iii. Woven vinyl.
  - d. Awnings or overhanging eaves shall provide a minimum of nine feet clearance above grade and comply with building code requirements.
  - e. Balconies above the first floor may be permitted to project into minimum setbacks up to four feet, provided the following conditions are met:
    - i. Balconies may have roofs and are required to be open.
    - ii. Balconies shall be at least ten feet above the sidewalk grade below.
  - f. Bay windows above the first floor may be permitted to project into minimum setbacks provided the following conditions are met:
    - i. Bay windows may not project more than three feet into minimum setbacks.
  - g. Suspended planter or flower boxes above the first floor level may project up to 30 inches into minimum setbacks.
  - h. Stoops, stairs, and porches may project into the minimum front yard setback up to five feet when applicable.
  - i. ~~Six-Five~~ feet of clear space shall be required between any projection of a structure and an adjacent property line and ~~102~~ feet of clear space between any projections of a structure from any projection of an adjacent structure.
- (3) *Floor Area Ratio.* The Development Authority may find it necessary to determine appropriate Intensity of use. Floor Area Ratio may be utilized in that determination. Typically FAR shall not exceed:
- a. Single-story building: 0.30;
  - b. Two-story building: 0.60;
  - c. Three-story building: 0.90;
  - d. Four to six story building: 1.00

---

(4) *Corner lots in Residential Districts.*

- a. On corner lots in residential districts, the side yard regulations shall apply on the street side as well as on the opposing side yard. If a building on a corner lot does not face the same direction as the building on the adjoining lot on either street, there shall be a side yard adjacent to the street, on which the building does not face, no less in width than 50 percent of the front yard required on that street and no accessory building on such corner lot shall extend beyond the front yard line of that street. This regulation shall not prevent the erection of any accessory building in any case where the regulations cannot reasonably be complied with.
- b. On any corner lot abutting the side of another lot, no part of any structure within 25 feet of the common lot line shall be nearer the side street lot than the required front yard at such abutting lot;

(5) *Yard Area.* Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projection of sills, belt courses, cornices, buttresses, [and](#) ornamental features, [and eaves](#); provided, however, none of the projections indicated in Subsection 2.2, shall project into a minimum side yard more than 24 inches. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court no more than three and one-half feet, in addition to the ordinary projections of chimneys and flues may be permitted where the same are so placed as not to obstruct light and ventilation and shall not be considered as an increase to the floor area of the building;

(6) *Maximum Impermeable Surface Ratios.* The ISR shall be adhered to in all districts. Pervious materials found in Table 13.5.1 may be utilized, with development approval, as driveways, walkways, side patios, porches, and other hardscaped design elements of a residential use and shall be considered at a reduced percentage of the total impermeable surface area calculation.

C. **Dimensional Standards in Residential Districts.**

SF = Single Family; 2F = Duplex; MF = Multi-Family; TH = Town Home (House); CD = Condominium; SFT = Single Family Tiny House

**Table 6.2.1. Residential District Dimensional Standards for Residential Uses**

|                                            | R-1AA                      | R-1A                      | R-1                       | R-2                                                | R-3                                                                                                                                                                                                |
|--------------------------------------------|----------------------------|---------------------------|---------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BULK</b>                                |                            |                           |                           |                                                    |                                                                                                                                                                                                    |
| <b>Minimum Lot Area</b>                    | 12,500 sf                  | 9,000 sf                  | 7,500 sf                  | SF: 6,500 sf<br>2F: 10,000 sf                      | SFT: 3,500 sf<br>SF: 6,000 sf<br>2F: 10,000 sf<br>TH, CD: 3,000 sf of total<br>project area/du<br>MF (3—4 du): 10,000 sf<br>MF (>4du): 10,000 sf +<br>1,500/du; Maximum Density<br>= 15 Units/Acre |
| <b>Minimum Lot Width</b>                   | 90' FBL<br>At St. ROW: 90' | 80' FBL<br>At St. ROW 80' | 70' FBL<br>At St. ROW 70' | SF: 60' at FBL 2F:<br>80' at FBL<br>At St. ROW 60' | SFT: 40'<br>SF: 60'<br>2F: 80'<br>TH: 16'<br>CD: —<br>MF: 100'                                                                                                                                     |
| <b>Minimum Living Space</b>                | 900 sf                     | 900 sf                    | 900 sf                    | 900 sf                                             | SFT: 300 sf<br>SF, 2F, TH, CD: 900 sf;<br>(TH: 2—10 units<br>required/bldg.)<br>MF: 750 sf                                                                                                         |
| <b>Maximum Building<br/>Height</b>         | 36'                        | 36'                       | 36'                       | 36'                                                | SFT: 20'<br>SF, 2F, TH, CD: 36'<br>MF: 36'*                                                                                                                                                        |
| <b>Maximum Impervious<br/>Surface Area</b> | 35%                        | 35%                       | 35%                       | SF: 35%<br>2F: 35%                                 | SFT: 35%<br>SF: 40%<br>2F: 45%<br>MF: 50%                                                                                                                                                          |
| <b>SETBACKS</b>                            |                            |                           |                           |                                                    |                                                                                                                                                                                                    |

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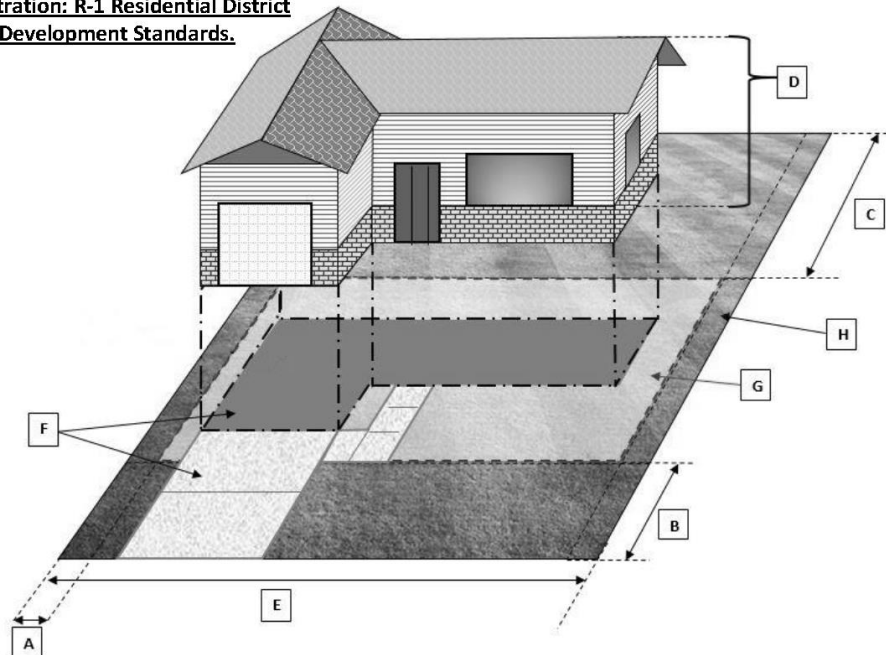


|                              |                                       |                                       |                                       |                                       |                                                                                                                                       |
|------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Minimum Front Setback</b> | Sight-Line, Minimum 30' if none exist | Sight-Line, Minimum 30' if none exist | Sight-Line, Minimum 25' if none exist | Sight-Line, Minimum 20' if none exist | Sight-Line, Minimum 20' if none exist;<br>SF, SFT, & 2F: 20'<br>TH and CD: 25' with front yard off St. parking, 15' w/out;<br>MF: 15' |
| <b>Minimum Side Setback</b>  | 15'                                   | 15'                                   | 12'                                   | 10'                                   | TH: 16' between adjacent bldgs.<br>CD: 12' between adjacent bldgs.<br>SF, SFT, 2F, & MF: 10'                                          |
| <b>Minimum Rear Setback</b>  | 20'                                   | 20'                                   | 20'                                   | 15'                                   | SF, SFT, 2F: 15'<br>TH, CD, & MF: 20'                                                                                                 |
| <b>Minimum Open Space</b>    | --                                    | --                                    | --                                    | --                                    | Refer to Subsection 12.4.<br>SFT refer to subsection 17.10                                                                            |

\*Multi-Family Structures with greater than 4 dwelling units shall be at least two stories in height;

\*\*Following Fire and Life Safety Approval.

**Illustration: R-1 Residential District  
Site Development Standards.**



- A. *Side Setback*: 12 feet minimum.
- B. *Front Setback*: 25 feet minimum.
- C. *Rear Setback*: ~~15-20~~ feet minimum.
- D. *Height*: Measured from grade to highest point of the building. 36 feet maximum.
- E. *Lot Width*: 70 feet minimum.
- F. *Impervious Surface Area*. Determined by dividing the area of (F)\* by the area of (H). 35% maximum.
- G. *The Buildable Area* is established by the intersections of the Front, Rear, and Side Setback lines.
- H. *Lot Area*, or *Parcel Area*: 7,500 square feet minimum.

**R-1 Example Building Forms.**



**Table 6.2.2. Residential District Dimensional Standards for Non-Residential Uses**

|                                        | R-1AA, R-1A, R-1                | R-2                                                | R-3                                                     |
|----------------------------------------|---------------------------------|----------------------------------------------------|---------------------------------------------------------|
| <b>Minimum Lot Area</b>                | Must Meet Residential Standards | ¼ Acre or 10,890 sf                                | ¼ Acre or 10,890 sf                                     |
| <b>Minimum Lot Width</b>               | Must Meet Residential Standards | 100'                                               | 80'                                                     |
| <b>Minimum Living Space</b>            | Must Meet Residential Standards | ---                                                | ---                                                     |
| <b>Maximum Building Height</b>         | Must Meet Residential Standards | 36'                                                | 36'                                                     |
| <b>Maximum Impervious Surface Area</b> | Must Meet Residential Standards | 50%                                                | 50%                                                     |
| <b>Minimum Front Setback</b>           | Must Meet Residential Standards | Sight-Line, Minimum 25' if none exist, Maximum 50' | Sight -Line, Minimum 20' if none exist, Maximum 50'     |
| <b>Minimum Side Setback</b>            | Must Meet Residential Standards | 15'                                                | 10'; if adjacent to a Single Fam. residential use - 20' |
| <b>Minimum Rear Setback</b>            | Must Meet Residential Standards | 20'                                                | 10'; if adjacent to a Single Fam. residential use - 20' |
| <b>Minimum Open Space</b>              | Refer to Table 12.4.2           | Refer to Table 12.4.2                              | Refer to Table 12.4.2                                   |

**Table 6.2.3. Residential District Dimensional Standards for Mixed-Uses**

|                         | R-1AA, R-1A, R-1 | R-2                             | R-3       |
|-------------------------|------------------|---------------------------------|-----------|
| <b>Minimum Lot Area</b> | Not Applicable   | Must Meet Residential Standards | 10,000 sf |

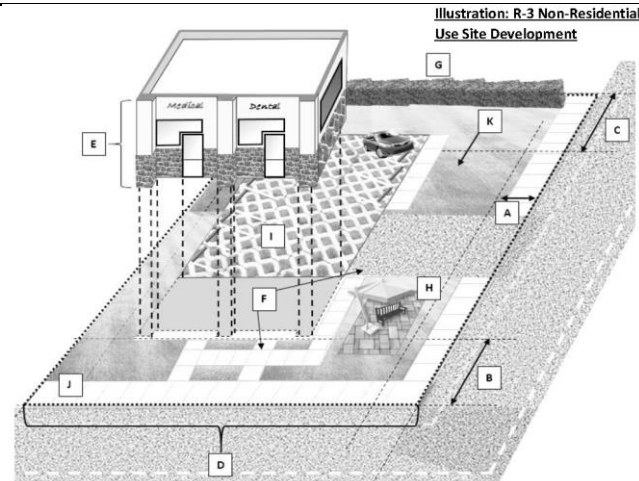
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|                                   |                |                                 |                                             |
|-----------------------------------|----------------|---------------------------------|---------------------------------------------|
| <b>Minimum Lot Width</b>          | Not Applicable | Must Meet Residential Standards | 25% Greater than Residential Standard       |
| <b>Minimum Living Space</b>       | Not Applicable | Must Meet Residential Standards | 900 sf                                      |
| <b>Maximum Building Height</b>    | Not Applicable | Must Meet Residential Standards | 36'                                         |
| <b>Maximum Impervious Surface</b> | Not Applicable | Must Meet Residential Standards | 50%                                         |
|                                   |                |                                 |                                             |
| <b>Minimum Front Setback</b>      | Not Applicable | Must Meet Residential Standards | Sight-Line, Minimum 25' if none exist       |
| <b>Minimum Side Setback</b>       | Not Applicable | Must Meet Residential Standards | 10'; if adjacent to a residential use - 15' |
| <b>Minimum Rear Setback</b>       | Not Applicable | Must Meet Residential Standards | 10'; if adjacent to a residential use - 15' |
| <b>Minimum Open Space</b>         | Not Applicable | Refer to Table 12.4.2           | Refer to Table 12.4.2                       |

**A.Side Setback:** 10 feet (20 if adjacent to residential use) minimum.  
**B.Front Setback:** 25 feet minimum.  
**C.Rear Setback:** 10 feet (~~2200~~ if adjacent to residential use) minimum.  
**D.Lot Width:** 80 feet minimum.  
**E.Height:** 36 feet maximum.  
**F.Impervious Surface:** ~~50~~45% maximum.  
**G.Buffer Yard Component:** See Article 12 for Landscaping Standards.  
**H.Open Space Component:** 1,000 square feet minimum.  
**I.Parking Lot:** See Article 14 for Parking Lot Standards.  
**J.Sidewalk:** See Article 15 for Access Management Standards.  
**K.Lot Area:** 10,890 square feet minimum.



**R-3 Example Non-Residential Building Forms**



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D. **Standards for Residential Conversions.** Residential conversions of single-family dwellings into two-family dwellings and non-residential uses within the appropriate residential districts are permitted for dwellings that meet the following standards. Residential conversions require site plan review approval. Construction drawings and plans that describe the proposed conversion in detail are required as part of the application.

- (1) The existing single-family dwelling must have a minimum of 1,750 square feet or more in gross floor area if converting to a two-family dwelling. This gross floor area calculation does not include any basement area.
- (2) Upon conversion to a two-family dwelling, the unit mix should meet the gross floor area as calculated by the unit types below:
  - a. Efficiency Unit: 750 square feet.
  - b. One Bedroom: 900 square feet.
  - c. Two Bedroom: 1,100 square feet.
  - d. Three or More Bedroom: 1,300 square feet.
- (3) The dwelling must conform to the applicable dimensional standards for the district in which the building is located.
- (4) No residential conversion may violate any occupancy regulations.
- (5) One parking space must be provided for each additional dwelling unit.
- (6) Following the conversion, the exterior of the dwelling must retain its existing residential character.
- (7) Conversions of any structure must meet all applicable Fire and Life Safety Standards.

E. **Design Standards for Residential Districts.**

- (1) *General Architectural Standards, Building Materials, and Façade Features.* The following residential design standards apply to new construction, substantial remodeling and repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to existing structures.
  - a. Exterior design and façade features, rooflines, massing, window and treatment types, and materials shall be compatible with the existing character of the surrounding residences.
  - b. Exterior entrances from a public sidewalk or common open space are permitted for apartment or condominium units on the ground floor. These entrances shall be raised from the finished ground floor level of the sidewalk and shall appear to be designed as townhouses.
  - c. All exterior walls, including parking structures, garages, and accessory structures shall be constructed of materials commonly used for residential structures in Santa Rosa County historically.
  - d. No blank walls shall front public streets.
  - e. A minimum of two distinct building materials from the approved list as provided in Subsection 2.2(B) must be utilized on all façades to provide architectural detail and interest.
  - f. The architectural features, materials, and the articulation of the building's façade shall be continued on all sides visible from a public street.
  - g. The front façade of the principle building on any lot shall face onto a public or private street.
  - h. Any building (excluding parking garages and other accessory building) viewed from a public right-of-way or public open space shall either face such right-of-way or open space, or shall have a

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façade facing such area in keeping with the character of the front façade, including the utilization of window design and materials.

- i. Front and street sides of buildings visible from the public right-of-way shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry. The top floor of any building shall contain a distinctive finish, consisting of a cornice, banding or other architectural termination.
- j. An expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of façades for non-single-family buildings that do not utilize a pitched roof.

~~k. All ground floor walls facing public streets shall have at least 15% transparency.~~

kl. All walls facing public streets shall have at least 25% transparency.

(2) *Entry features.*

- a. All ground floor non-residential uses shall have a main entrance from a public sidewalk or plaza.
- b. All ground floor, excluding single family and duplex residential, entrances shall be covered or inset with distinct architectural detail.
- c. Building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, pent roofs, and hooded front doors or other similar architectural elements.
- d. Shall have a main entrance from a public sidewalk or common open space (excluding single-family residential structures).
- e. Mixed use residential entry features.
  - i. Exterior entrances from a public sidewalk or common open space are permitted for apartment or condominium units on the ground floor. These entrances shall be raised from the finished ground floor level of the sidewalk and shall appear to be designed as townhouses.
- f. Multi-family apartment and condominium uses above the ground floor shall have interior unit entrances except:
  - i. Exterior stairs are permitted for access to second and third floor units only if they are oriented towards a central plaza and/or not visible from any street.

(3) *Roofing Design, Materials and Features.*

- a. Asphalt shingles, industry approved synthetic shingles, standing seam metal or tile roofs are allowed.
- b. Gable roofs, if provided shall have a minimum pitch of 6/12.
- c. Pitch roofs, if provided shall have a minimum pitch of 9/12.
- d. Other roof types shall be appropriate to the architectural style of the building.
- e. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are strongly encouraged.
- f. Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade and should include a decorative cornice and/or coping or other approved accent.

(4) *Multi-family Specific Standards.* In addition to Subsections E(1), (2), and (3) above.

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- a. There must be a unifying architectural theme for the entire multi-family, condominium, or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, and/or colors in the entire structure.
- b. Building façades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
- c. The general minimum transparency requirements for residential districts apply to any façade facing a street as well as any façade facing common space or recreational space in a multi-family development.
- d. Flat roofs must include cornices, parapets, or similar architectural details to add variety and break up the roofline. Pitched roofs must provide dormers or other approved feature.
- e. There must be a minimum separation of 15 feet between sidewalls of row-house buildings. Where the front or rear wall of a row-house faces the front or rear wall of another row-house, the minimum required separation between such buildings must be 30 feet.
  - i. Driveways and parking areas may be located within this minimum separation area.

(5) *Examples of Preferred Multi-Family Residential Design Elements.*



*Screened HVAC  
behind walls and  
landscaping*

*Variations in color  
and material create  
a visually engaging  
design*



*Common Open  
Space elements*

*Increased  
Fenestration*





*Roof line variation  
such as dormers*

*Landscape strip  
between road and  
sidewalk enhances  
pedestrian  
environment*



- (6) *Tiny Home Specific Standards.* All tiny homes shall be prepared in accordance with the specifications and requirements of Section 6.2(E), in addition to the specifications and requirements of 6.2(E) and Florida Building Code.
- 1) Minimum Lot Area. All tiny homes shall have a minimum lot size of 3500 square feet.
  - 2) Structure Foundation. All tiny homes shall be constructed on a permanent foundation. Permanent foundations must be constructed of durable materials; i.e. concrete, mortared masonry, or treated wood - and be site-built.
  - 3) Minimum Living Space. All tiny homes must have a minimum living space of 300 square feet. All tiny homes shall be constructed to include sleeping area, kitchen, and lavatory with shower or bathtub.
  - 4) Habitable Space. Habitable rooms must not be less than 70 square feet of floor area excluding kitchen areas. Habitable rooms must not be less than 7 feet in any horizontal direction. There shall be one habitable room with not less than 120 square feet.
  - 5) Habitable Rooms shall be provided with light and ventilation via fenestration not less than 10% of the floor area.
  - 6) Ceiling Height. Ceiling height must not be less than 7 feet in habitable spaces, hallways, bathrooms and lavatories. Ceiling heights less than 5 ft on portions of sloped ceilings or furred ceilings will not count towards the minimum required habitable space.
  - 7) Porches. Porches shall be full width on the front facade and shall be oriented towards common open space or street and designed to provide a sense of privacy between units. Porch shall be a minimum of (120) one hundred twenty square feet and a minimum of (8') eight feet deep on the common open space side of the building. The square footage of the porch may be reduced to (60) sixty square feet if the unit has a front porch and secondary porch on another elevation. The rear porch must also be a minimum of (60) sixty square feet.
  - 8) Exterior walls. All exterior elevations shall have fenestration.
  - 9) Secondary Entrances. All secondary entrances are required to have a minimum five by five-foot porch.
  - 10) Structure Width. The minimum width of a tiny home must be at least 15 feet.
  - 11) Structure Height. The maximum height of a tiny home is 20 feet.
  - 12) Roofs must be Gabled or Hipped. Flat or shed roofs are not permissible.
  - 13) The desired architectural style for all Tiny Home Subdivisions will be Traditional Neighborhood Design (TND) or a vernacular that replicates the 1900s style representative of historic buildings in the City. Architectural style shall require approval from the Planning Department.

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( Ord. No. 1947-20 , § 1(Att. A), 9-8-2020; Ord. No. 1961-21 , § 1(Att. A), 6-15-2021)

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## 6.3 COMMERCIAL DISTRICT STANDARDS

### A. Purpose Statements.

- (1) *C-1 Neighborhood Commercial Zoning District.* The C-1 Neighborhood Commercial District is intended to accommodate local non-residential uses that predominantly serve the needs of the nearby residential neighborhoods. They should be similar in character of the surrounding residential neighborhood. Apartment Complexes and single-family residential dwelling units may be allowed above the ground floor upon development authority approval. The purpose of this district is to allow for the full development of commercial uses while protecting nearby residential properties from the adverse effects of commercial activities. [Multi-family development shall adhere to the standards required in the R-3 Zoning District.](#)
- (2) *C-2 General Commercial Zoning District.* The C-2 General Commercial Zoning District is intended to accommodate those lands and structures used to provide for the retail of commodities and furnishings of selected services, trades and other commercial enterprises within the Planning Area. The C-2 District addresses primarily auto-oriented retail, both individual businesses and retail centers, with the intent of improving the pedestrian environment along the existing corridors. Limited mixed-use development with residential dwelling units above the ground floor and higher density, multi-family residential development may be allowed upon development authority approval. [Multi-family development shall adhere to the standards required in the R-3 Zoning District.](#)
- (3) *C-3 High Intensity Commercial Zoning District.* The purpose of the C-3 High Intensity Commercial Zoning District is to accommodate regional commercial centers, wholesale distribution, storage, and light manufacturing. The C-3 District provides for large-scale development that may generate a sizeable amount of traffic and typically requires significant off-street parking. High density multi-family development is allowed and shall adhere to the standards required in the R-3 Zoning District.

### B. General Commercial Districts Dimensional Standards.

- (1) *Exception to Front Building Line Setback.*
  - a. Where the construction of a commercial structure is proposed within 50 feet of an existing commercial structure(s) and where the existing commercial structure(s) have been constructed at less than the minimum or maximum required front yard setback, then the development approval authority may permit construction of the proposed structure with a front yard setback less or greater than that required by these regulations; provided that the allowed setback is consistent with the average setback of the existing adjacent structures.
- (2) *Ground floor area limitation.*
  - a. New commercial buildings may not exceed 100,000 gross square feet in ground floor area.
  - b. New commercial buildings greater than 50,000 gross square feet must obtain special exception approval as identified in Article 3. In determining whether to grant an increase in ground floor size beyond 50,000 square feet, the board of adjustment and city council shall consider the following factors:
    - i. The site has safe, immediate access to Highway 87, 89, and/or 90.
    - ii. The building site will provide convenient interconnections with adjacent uses and properties that serve both pedestrians and automobiles.
    - iii. The architectural design of the building reduces the perceived size of the building by appropriate articulations and variations in the massing, façade, roofline, materials, colors, and textures of the building exterior.

- 
- iv. The building and site meets or exceeds all other standards set forth in this section and by this Unified Development Code.
  - v. The owner/developer shall be required to reclaim the site for other development purposes if the facility is abandoned/unused for a period of 24 months.

(3) *Building height.*

- a. Where permitted in a district, non-residential buildings may be increased in height; provided that the building is set back from all yard lines one additional foot for each three feet such building exceeds the height limit of the zoning district in which the building is located. However, no such structure shall exceed five stories or 60 feet in height, except as provided in Subsection 4.2(K). Height increase above those indicated in the underlying zoning district provided in section 6.3(C) may require Board of Adjustment approval.
- b. Any building of which 50 percent or more is located within 250 feet of the centerline of an arterial street shall be no more than three stories in height. A relief from height restrictions shall only be allowed if [special-use variance](#) approval is granted by the Board of Adjustments, in accordance with procedures in Article 3.
- c. In deciding whether to grant a height increase, the Board shall consider the following factors and others:
  - i. Proximity and relationship of the proposed building to other buildings.
  - ii. Fire and Life Safety.
  - iii. Impact of the proposed building on single-family residences on nearby tracts.
  - iv. Topography and vegetation that screen the view of the proposed building.
  - v. On-site screening and/or landscaped buffers.
  - vi. Provision of public open space in exchange for increased building height.
  - vii. The effect of additional building height on traffic congestion.
  - viii. Access of the site to major traffic arteries.
  - ix. Economic development opportunities for the city.
  - x. The necessity of greater building height to the function of the proposed use.
  - xi. The quality of the architectural design and its compatibility with its surroundings.

(4) *Residential Standards for the C-1, C-2 and C-3 Commercial Districts.* Residential subdivisions, where allowed, shall comply with the yard requirements of the underlying zoning district, the requirements of Subsection 6.2(E)(4), all applicable standards of this code relating to landscaping, access management, parking, stormwater and other, as well as the following requirements:

- a. Reverse-fronting lots are required for residential subdivisions along streets classified as arterials or collectors, subject to subsection (4)(b) of this section. Reverse-fronting residential lots shall be platted with a landscaped access easement, meeting the requirements of Subsection 12.5, restricting vehicular access placed adjacent to the public right-of-way. Such easement shall be a minimum of 20 feet in depth and include one of the following:
  - i. A continuous four-foot high solid wall constructed entirely of brick or stone masonry with decorative elements to include material and color changes, trim, and coping.
  - ii. A four- to six-foot high fence constructed of a combination of brick or stone masonry pillars with iron pickets.

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iii. A four- to six-foot high wood privacy fence with a vegetated strip of canopy trees, shrubs, and groundcover that provide a full landscape buffer in front of the fence.

- b. If a residential lot is separated from the arterial or collector street by a minimum 20-foot wide landscaped strip and a residential street, a residential lot may face an arterial or a collector street. Multi-family development shall be required to install a network of sidewalks and walkways which connect to required common space and to existing sidewalks at each entrance/exit to the development.

If no such sidewalks exist, the development shall be required [to] install a minimum five (5) [foot] wide sidewalk the entire length of the development which abuts a public right-of-way. New multi-family developments shall be required to meet the multi-family dimensional standards found in table 6.2.1. Multi-family developments in these districts shall also be required to meet all parking, landscaping and access management standards, and these standards shall apply when in conflict with table 6.2.1.

(5) *Lot Standards.*

- a. Lots should be rectangular in shape with a ratio of depth to frontage of 4:1.

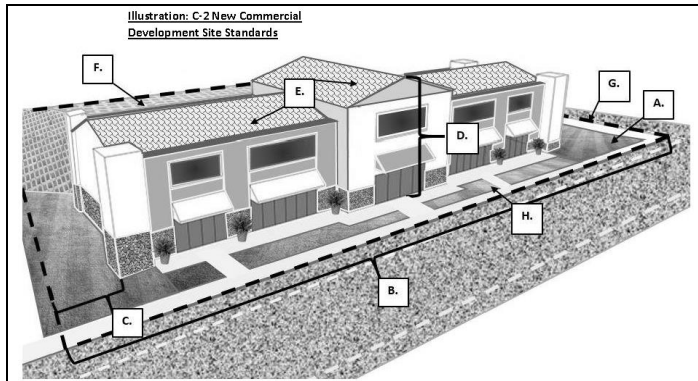
- C. **Dimensional Standards.** Table 6.3.1: Commercial Districts Dimensional Standards for Non-Residential Structures establishes the dimensional standards for structures with no residential component in the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. Section 6.3.D has additional design standards that apply to development within the districts.

**Table 6.3.1. Commercial District Dimensional Standards for Non-Residential Uses.**

|                                      | C-1                                                                             | C-2                                                                             | C-3                                                                             |
|--------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <b>BULK</b>                          |                                                                                 |                                                                                 |                                                                                 |
| <b>Minimum Lot Area</b>              | None                                                                            | ¼ Acre (10,890 sf)                                                              | 20,000 sf                                                                       |
| <b>Minimum Lot Width</b>             | None                                                                            | 100' along Arterials                                                            | 100' along Arterials                                                            |
| <b>Minimum Building Height</b>       | None                                                                            | 14'                                                                             | 18'                                                                             |
| <b>Maximum Building Height</b>       | 48'                                                                             | 48'                                                                             | 48'                                                                             |
| <b>Maximum Impervious Surface</b>    | 60%                                                                             | 65%                                                                             | 70%                                                                             |
| <b>SETBACKS</b>                      |                                                                                 |                                                                                 |                                                                                 |
| <b>Minimum Front Setback</b>         | Maximum 50 feet; Refer to Parking, Landscaping and Access Management Standards* | Maximum 55 feet; Refer to Parking, Landscaping and Access Management Standards* | Maximum 60 feet; Refer to Parking, Landscaping and Access Management Standards* |
| <b>Minimum Interior Side Setback</b> | 10' minimum                                                                     | 10', if adjacent to residential use, increase to 15'                            | 10', if adjacent to residential use, increase to 20'                            |
| <b>Minimum Rear Setback</b>          | Refer to Parking, Landscaping and Access Management Standards                   | Refer to Parking, Landscaping and Access Management Standards                   | Refer to Parking, Landscaping and Access Management Standards                   |

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|            |                       |                       |                       |
|------------|-----------------------|-----------------------|-----------------------|
| Open Space | Refer to Table 12.4.2 | Refer to Table 12.4.2 | Refer to Table 12.4.2 |
|------------|-----------------------|-----------------------|-----------------------|



- A. Lot Area:** One quarter ( $\frac{1}{4}$ ) acre  
**B. Lot Frontage:** 100 feet  
**C. Side Setback:** 10 feet (15' when adjacent to Residential or Mixed-Use)  
**D. Height:** 48 feet maximum  
**E. Impermeable Surface Ratio:** 65 percent for new development  
**F. Rear Parking Lot and Permeable surface** (not required but a solution if impermeable surface ratio is exceeded)  
**G. Lot Line**  
**H. Required Landscape Strip and Sidewalk**

**Example Commercial Building Forms: C-1, C2, & C-3 Districts.**



- D. Commercial District Design Standards.** The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure.

Where residential uses are allowed they are subject to the applicable design standards in Subsection 6.2.

**(1) General Façade Requirements.**

- Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
- Building façades that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals indicated in the following:



- i. Building façades that are less than 500 feet long shall be modulated at intervals no greater than 75 feet in length.
- ii. Building façades that are more than 500 feet long shall be modulated with intervals no greater than 15 percent of the length of the façade.
- iii. See approved material and ratios list as provided in Subsection 2.2.
- iv. Alternative design and pattern repetition may be considered.
- c. All buildings of two or more stories must be designed with a definable base (ground floor), through the use of architectural features such as cornice treatments, recesses, corbeling, brick courses, accent or impression lines, and window designs.
- d. All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.



Figure 6.3.1. Commercial District Design Standards Diagram

(2) *General Roof Design Requirements.*

- a. Rooflines over 100 linear feet in building length must be variegated, and incorporate major focal point features, such as a dormers, gables, or projected wall features. An element of variegation on the roofline must occur at intervals of no more than 50 feet.
- b. Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- c. Green roof, blue roof, and white roof designs are encouraged.
- d. Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building, provided no hazard is created by the installation of such materials.

- e. Pitched roofs. All buildings less than 5,000 square feet of gross floor area must have a pitched roof with a minimum pitch of 2:12. All one-story buildings less than 10,000 gross square feet must have a pitched roof between 2:12 and 12:12; provided, however, that if a pitched roof is not possible, a combination of flat roof and pitched roof is desired. A pitched roof on the front and side of the building must be provided to screen view of any flat roof. Arcades, drive-under canopies, porches, and other features with pitched roofs must be created.
- f. Mansard roofs. Mansard roofs shall have a maximum pitch of 12:12 with a minimum 12-foot vertical surface length.
- g. Flat roofs. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. All buildings with flat roofs shall include parapet articulation on the front façade of such building.
- h. Other. Drive-under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.

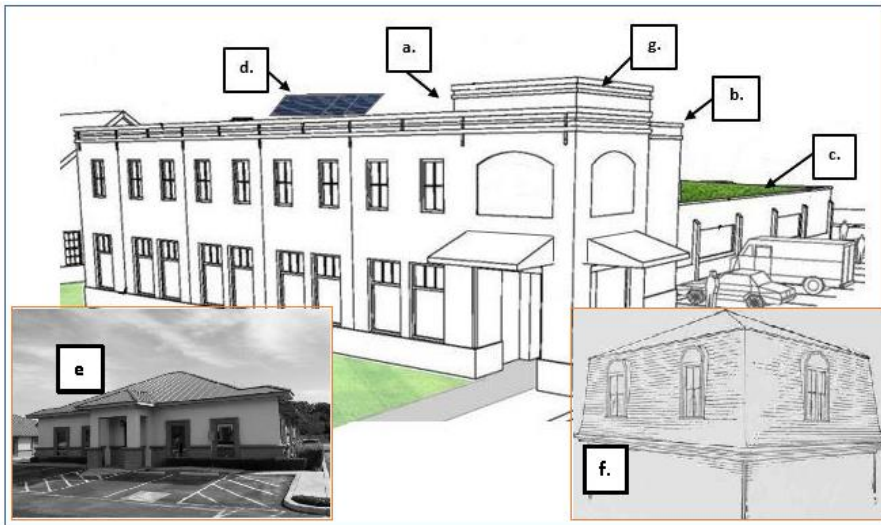


Figure 6.3.2. Commercial District Roof Design Diagram

(3) *Retail Center Design Standards.*

- a. The site shall be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.
- b. A cohesive character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture, etc.) and landscaping.
- c. Retail Center Developments may satisfy front setback requirements with outlot building placement, provided they meet the other requirements of this Subsection and span at least 60% of the street frontage of the development.

d. Outlot buildings.

- i. Outlot buildings must include showcase windows and entrances oriented toward both the street and the interior parking lot.
- ii. If outlot buildings are part of a multi-tenant retail center development:
  - 1) Outlot buildings fronting Collector or other Minor Street types, must define the street frontage by placement within 0' to 25' of the front lot line.
  - 2) Outlot buildings fronting Arterial Streets shall be permitted to the maximum front setback of the underlying zoning district.
- iii. A street presence for a mixed-use retail center must be created by locating part of the center or outlot buildings within 0' to 25' of the lot line for at least 30% of the frontage. The center or outlot buildings may be placed within a required setback to comply with this standard.

e. Lot Configuration.

- i. Developments involving outlot buildings will be reviewed on a ~~case-by-case~~ case-by-case basis and may be required to apply for a variance based on the parking configuration standards found within this Unified Development Code.



Figure 6.3.3. Outlot Building Setback Diagram.

(4) Fenestration Standards.

- a. Windows shall be recessed no less than two ~~inches, or inches or~~ projected out from the façade plane to provide depth and shadow.
- b. The ground floor of all street fronting non-residential and mixed-use buildings shall maintain a minimum transparency of 30%. Store front windows shall begin no higher than two (2) feet above grade level.

- 
- c. Upper floors of the front façade must maintain a transparency of 25% of the wall area of the story.

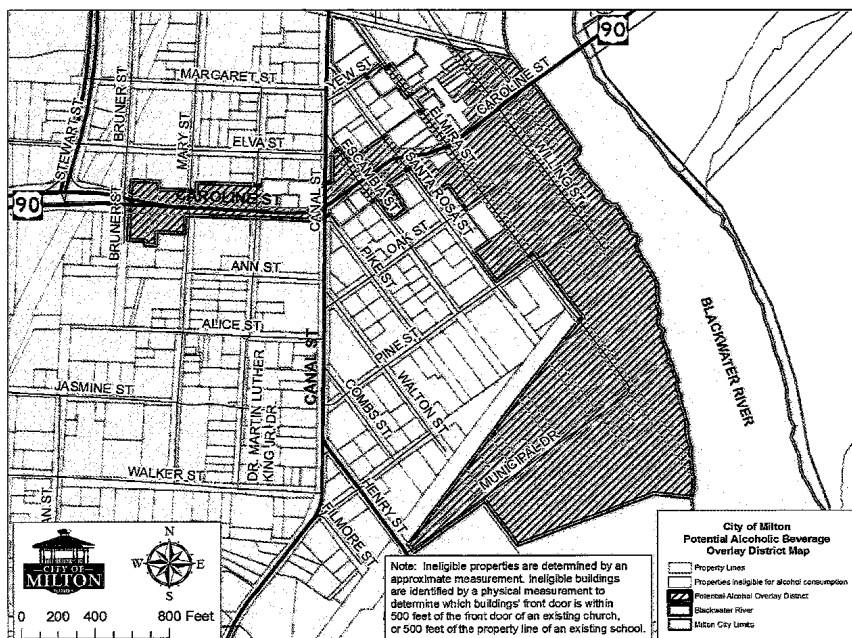
( Ord. No. 1491-19 , § 1, 1-14-2020)

## 6.4 SPECIAL DISTRICTS STANDARDS

### A. Purpose Statements.

- (1) *R-U Rural Urban District*. The R-U Rural Urban District is a less restrictive district intended to provide for a reasonable and mixed-use of property while keeping with the surrounding area and nearby character and preventing blighted conditions to proliferate. This district is intended for those areas where development patterns are unclear and seeks to provide flexibility for a variety of uses and dimensional standards.
- (2) ~~R-C1~~*RC-1 Residential Commercial District*. The RC-1 Residential Commercial District is intended to be a mixed-use district that will promulgate redevelopment of the downtown, historic, and riverfront areas of the City. The district provides for a more intensely developed midtown and downtown area with a planned mixture of residential, commercial, and office uses. Various ancillary uses and amenity features appropriate for midtown and downtown areas are encouraged. Traditional Neighborhood development with an interconnected network of circulation systems that facilitate walking, bicycling, and driving.
- (3) *SSC-RC Stewart Street Corridor Residential Commercial District*. The SSC-RC Mixed Use District designates, regulates, and restricts the location design and use of buildings and structures; to promote higher standards of exterior appearance of buildings and grounds; to stabilize and improve property value in a consistent manner while maintaining and improving the general character of the City; to promote health, safety, and general welfare; and thus to provide the economic and social benefits resulting from an improved and revitalized mixed-use corridor. It is further the purpose of this district to promulgate redevelopment and infill of the area as a planned mixture of residential, commercial, and other uses within a pedestrian friendly and multi-modal corridor providing for various ancillary uses, and amenity features appropriate for a mixed-use corridor.
- (4) *D-CM Downtown Commercial Mixed-Use District*. The Downtown Commercial Mixed-Use District is a multi-purpose district intended to establish standards for structures located within the downtown core area of the City. The District shall provide for high intensity development, mixed uses, and those arts and cultural facilities of varying intensities. Residential dwelling units shall only be allowed above the ground floor, unless the primary historical use of the property was residential. This District is intended as a central entertainment hub and gathering place for the surrounding residential-mixed use districts as well as the nucleus of commercial activity and civic festivals and events. The D-CM will further encourage connectivity and walkability as the surrounding R-C1 district promotes.
- (5) *Public and Education District (P-E)*. It is the intent and purpose of the Public and Education district to provide for areas that will accommodate public uses.
- (6) *Conservation District (CON)*. It is the intent and purpose of the Conservation district to preserve and protect those lands with valuable natural resources or features, from development impacts and encroachments. All land within the Conservation district is publicly owned.
- (7) *Recreation District (REC)*. It is the intent of the Recreation district to provide land for public recreation, parks, and gathering places.
- (8) *Alcoholic Beverage (On-Premise) Overlay District*.

- A. *Purpose.* An Alcoholic Beverage (On-Premise) Overlay District ("ABOD") is an area designated within the City where property located within the ABOD district or districts may serve and sell beer, wine, and mixed beverages for on-premises consumption in accordance with applicable provisions of state law. Within the ABOD, bars and taverns are permitted in accordance with all applicable standards and laws, and Ch. 6 of the City of Milton Code of Ordinances.
- B. *Development Regulations.* Property located within an ABOD shall be developed and used in accordance with the underlying development and use regulations for the zoning district in which the property is located; provided, however, the sale of beer, wine, and mixed beverages for on-premises consumption is permitted within any non-residential use permitted within an ABOD subject to any additional use and development regulations set forth in Section 6.4.A(8).
- C. *Conflicts with Underlying Zoning.* If the regulations applicable to a property located within an ABOD expressly (i) prohibit or (ii) require the approval of a specific permit for the development and use of property for bars or similar non-residential uses that involve the sale of beer, wine, and mixed beverages for on-premises consumption, the provisions relating to the permitted service and sale of beer, wine, and mixed beverages for on-premises consumption in the ABOD shall control except as provided in Chapter 6, Section 6-4, 6-5, and 6-6 of the City of Milton Code of Ordinances.
- D. *Designated Alcoholic Beverage (On-Premise) Overlay District.* The Alcoholic Beverage Overlay District Map ("ABOD") is incorporated herein and attached hereto by any reference as follows:



B. **General Special District Dimensional Standards.**

- (1) *Generally.*

- a. Renovations of existing structures will be allowed for a structure covering 100 percent of the site area.
- b. Floor area ratio.
  - i. No new structure shall be constructed or renovated with a floor area ratio in excess of 3.0, except as provided in Article 3.
  - ii. No existing structure shall be renovated with a floor area ratio in excess of 3.0, except as provided in Article 3.
  - iii. Structures used exclusively for parking shall not be included in floor area ratio calculations, but must meet all other requirements and shall be included in site coverage, impervious surface, and other yard regulations, etc.

(2) Development within the R-U, R-C1, D-CM, and SSC-RC shall be limited as follows:

**Table 6.4.1. Special District Dimensional Standards for Residential Uses**

|                                        | R-U                                                                   | R-C1                                                                                                                                  | SSC-RC                                                                                                                               | D-CM   |
|----------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------|
| <b>BULK</b>                            |                                                                       |                                                                                                                                       |                                                                                                                                      |        |
| <b>Minimum Lot Area</b>                | SFT: 3,500 sf<br>SF: 7,000 sf<br>2F: 10,000 sf                        | SF: 6,000 sf<br>2F: 10,000 sf<br>TH, CD: 3,000 sf of total project area/du MF (3—4 du): 10,000 sf<br>MF (>4du): 10,000 sf + 1,500/du* | SF: 6,500 sf<br>2F: 9,000 sf<br>TH, CD: 2,500 sf of total project area/du MF (3—4 du): 10,000 sf<br>MF (>4du): 10,000 sf + 1,000/du* | None   |
| <b>Minimum Lot Width</b>               | SFT: 40' at FBL<br>SF: 60' at FBL<br>2F: 80' at FBL<br>At St. ROW 50' | SF: 60'<br>2F: 80'<br>TH: 16'<br>CD: —<br>MF: 100'                                                                                    | SF: 60'<br>2F: 80'<br>TH: 16'<br>CD: —<br>MF: 100'                                                                                   | None   |
| <b>Minimum Living Space</b>            | SFT: 300 sf<br>900 sf                                                 | SF, 2F, TH, CD, MF: 1,200 sf;<br>CD, MF: Max units/acre: 6                                                                            | 900 sf*                                                                                                                              | 550 sf |
| <b>Maximum Building Height</b>         | SFT: 20'<br>36'                                                       | SF, 2F, TH, CD: 36'<br>MF: 48'**                                                                                                      | 48'                                                                                                                                  | 48'    |
| <b>Maximum Impervious Surface Area</b> | SF: 40%<br>2F: 45%                                                    | SF: 50%<br>2F: 55%<br>MF: 60%                                                                                                         | SF: 40%<br>2F: 45%<br>MF: 50%                                                                                                        | —      |
| <b>SETBACKS</b>                        |                                                                       |                                                                                                                                       |                                                                                                                                      |        |
| <b>Minimum Front Setback</b>           | Sight-Line,<br>Minimum 20' if none exist                              | Sight-Line,<br>Minimum 25' if none exist; SF & 2F:                                                                                    | Sight-Line, SF & 2F: 20'<br>TH & CD: 25' with                                                                                        | None   |

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|                                     |                                         |                                                                                                    |                                                                                                      |                                                |
|-------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------|
|                                     |                                         | 25'<br>TH & CD: 25' with<br>front yard off St.<br>parking, 15' w/out;<br>MF: 15'                   | front yard off St.<br>parking, 15' w/out;<br>MF: 15'                                                 |                                                |
| <b>Minimum<br/>Side<br/>Setback</b> | 10'                                     | TH: 16' between<br>adjacent bldgs.<br>CD: 12' between<br>adjacent bldgs.<br>SF, 2F: 10'<br>MF: 10' | SF, 2F: 10'; TH: 16'<br>between adjacent<br>bldgs.<br>CD: 12' between<br>adjacent bldgs.; MF:<br>10' | None                                           |
| <b>Minimum<br/>Rear<br/>Setback</b> | 15'                                     | SF, 2F: 15'<br>TH, CD, & MF: 20'                                                                   | 20'                                                                                                  | None; 10' from<br>different Zoning<br>district |
| <b>Minimum<br/>Open<br/>Space</b>   | SFT refer to<br>subsection 17.10<br>--- | Refer to Table<br>12.4.2                                                                           | Refer to Table<br>12.4.2                                                                             | Refer to Table<br>12.4.2                       |

\*Multi-Family Structures with greater than 4 dwelling units shall be at least two stories in height;

\*\*Following Fire and Life Safety Approval.

**Table 6.4.2. Special District Dimensional Standards for Mixed-Use and Non-Residential Uses.**

|                                          | R-C1                                           | SSC-RC                                                                                     | D-CM                                                                        |
|------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>BULK</b>                              |                                                |                                                                                            |                                                                             |
| <b>Minimum Lot Area</b>                  | None                                           | None                                                                                       | None                                                                        |
| <b>Minimum Lot Width</b>                 | None                                           | None                                                                                       | None                                                                        |
| <b>Minimum Living Space</b>              | 900                                            | None                                                                                       | ---                                                                         |
| <b>Maximum Building<br/>Height</b>       | 36'                                            | 48'                                                                                        | 48'                                                                         |
| <b>Maximum Impervious<br/>Surface</b>    | 75%                                            | 60%                                                                                        | 80%                                                                         |
| <b>SETBACKS</b>                          |                                                |                                                                                            |                                                                             |
| <b>Minimum Front<br/>Setback</b>         | 10'                                            | Maximum 50 feet;<br>Refer to Parking,<br>Landscaping and<br>Access Management<br>Standards | Lot Line (0'), Match<br>Surrounding                                         |
| <b>Minimum Interior Side<br/>Setback</b> | 10'; if adjacent to a<br>residential use - 15' | 10', if adjacent to<br>residential use,<br>increase to 15'                                 | None; 10' if abutting a<br>structure with a<br>principle residential<br>use |
| <b>Minimum Rear<br/>Setback</b>          | 10'; if adjacent to a<br>residential use - 15' | Refer to Parking,<br>Landscaping and<br>Access Management<br>Standards                     | None; 10' if abutting a<br>structure with a<br>principle residential<br>use |

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| <b>Minimum Open Space</b> | Refer to Table 12.4.2 | Refer to Table 12.4.2 | Refer to Table 12.4.2 |
|---------------------------|-----------------------|-----------------------|-----------------------|

(3) *Development within the Conservation district shall be limited as follows:*

- a. Development within conservation areas shall be restricted to the provision of public access and limited small scale improvements such as picnic facilities, boat ramps, etc., which enhance public use and enjoyment of the conservation area.
- b. Development within conservation areas shall seek to minimize environmental degradation through such means as preserving native vegetation and the use of previous materials for any parking area shall be encouraged.

(4) *Development within the P-E district shall be limited as follows:*

- a. Public schools and municipal, county, state or federal office buildings located in the P-E district shall be developed in accordance with site and building requirements specified for the C-1 district;
- b. Major public utilities shall be developed in accordance with state regulations governing the permitting and design of such facilities and shall further comply with the performance standards set forth in Subsection 9.4.

(5) *Development within the REC district shall be limited as follows:*

- a. Any development within public parks shall be in accordance with these Land Development Regulations, will seek to preserve open spaces and native vegetation through provision of vegetated nonuse areas in public parks, and shall minimize environmental degradation.

**C. Special District Design Standards.**

- (1) *Rural-Urban (R-U) District Design Standards.* Residential development within the R-U district shall adhere to the standards identified within Subsection 6.2(E) of this Article. Single Family Tiny Houses shall adhere to the standards in 6.2(E) of this article and Single Family Tiny House subdivisions will adhere to the standards in 6.2(E) of this article and section 17.10.
- (2) *Residential-Commercial Mixed-Use (R-C1) District Specific Standards.* A variety of architectural features and building materials are encouraged to give each building or group of buildings a distinct character. The character of the proposed structure must be in keeping with the community's architectural history for the CRAs and City historic district. The city planning department has examples of structures that meet this standard. Examples of these architectural styles include, but are not limited to, the Gulf Coast Classical and Victorian architectural styles that can be found in the book "A Pattern Book for Gulf Coast Neighborhoods." Included within each given architectural style of this tool are specific examples regarding windows and doors, porches, massing and composition, and materials.
  - a. Two special districts are located within the RC-1 zoning district:
    - i. The Community Redevelopment Areas; and
    - ii. The City Historic District.
  - b. Any development activity or redevelopment activity within either area requires review and certification by the appropriate board.
  - c. Any proposed major development activity located within the Community Redevelopment Areas shall require review by the Community Redevelopment Agency and issuance of a Land Use Certificate. If the proposed development activity is located within the city historic district and

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involves the alteration of any [contributing](#) historic structure, review by the Historic Preservation Board and issuance of a Certificate of Appropriateness is required.

- d. The review and approval process outlined in subsections C(2)(a) through C(3)(c) of this section shall precede the formal review process by the development approval authority. Specific design guidelines and requirements for development within the city historic district and community redevelopment areas are contained in Subsection 4.2(K).
  - e. Guidelines for existing structures.
    - i. The term "historically or architecturally significant structures" means those structures 50 years and older that lie within, not only the Historic District, the R-C1 district, but also the Community Redevelopment Areas.
    - ii. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
    - iii. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.
  - f. Guidelines for new structures.
    - i. Height. New structures within the R-C1 district shall be no more than three stories for single-family residential or four stories for commercial, multifamily residential or mixed-use, except as provide in Subsection 4.2(K).
  - g. Entries and façades.
    - i. The architectural features, materials, and the articulation of a building's façade shall be continued on all sides visible from a public street.
    - ii. The front façade of the principal building on any lot in the R-C1 shall face onto a public street.
    - iii. The front façade shall not be oriented to face directly toward a parking lot.
    - iv. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
    - v. For commercial buildings, a minimum of 50 percent of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
    - vi. New structures on opposite sides of the same street should be of similar design. This provision shall not apply to buildings bordering civic uses.
  - h. Guidelines for garages and secondary dwelling units.
    - i. Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building; provided that the secondary dwelling unit shall not exceed 800 square feet.
    - i. Unless otherwise provided in this subsection, new commercial development shall adhere to the design standards specified in subsection 6.3(D).
- (3) *Examples of preferable R-C1 Mixed-use and Residential Development Forms.*



(4) *Stewart Street Corridor Residential Commercial (SSC-RC) Mixed-Use District Specific Standards.*

- a. New and Existing Residential Uses.
  - i. If surrounded by commercial property, the same requirements as C-1 existing structures; provided that fire and life safety concerns can be met; and
  - ii. In a residential setting where two sides or fewer are abutting commercial property, the same requirements as R-2 new residential.
- b. Standards for Conversions to Residential Use.
  - i. Conversions require site plan review and approval.
    - 1) Submission of construction plans and drawings adequate for review and issuance of a building permit are required as part of the application;
    - 2) Submission of construction plans and drawings stamped by a certified engineer describing in detail the proposed conversion are required as part of the application for structures which include four or more dwelling units;
  - ii. Upon conversion all residential units shall meet all applicable Florida Building Code requirements.
  - iii. Converted structures shall be required to meet the minimum lot standards of the pre-conversion use.
    - 1) Conversions of existing structures with lot coverage ratios of up to 100 percent shall be permitted.
    - 2) Conversions costing more than 50 percent of the structure's assessed value shall be limited to a lot coverage ratio of no greater than 60 percent.
  - iv. Landscaping. A minimum of 25 percent of the front yard area shall be dedicated to landscaping. Landscaping shall be provided outside of the public right of way. One or more of the following landscaping components shall be utilized to meet the required percentage of yard area:
    - 1) Grass or lawn area;

- 
- 2) Planter boxes and or potted plants; and
  - 3) Approved trees, shrubs, and ground cover materials.
  - 4) Approved Streetscape furnishings may be used in conjunction with the required landscaped area.
  - 5) Provision of public seating areas, fountains, public open space, and other approved streetscape furnishings and elements may reduce the required landscaped area by up to 10% when required area exceeds 450 square feet.
- v. On-site Parking.
- 1) Single family to quad-family dwelling units shall require one parking space for each dwelling unit.
  - 2) Structures with five (5) or more dwelling units shall require 1.5 parking spaces per dwelling unit.
  - 3) Parking areas should be designed to utilize side and rear yards whenever possible.
- vi. Lighting.
- 1) Conversions involving five (5) or more dwelling units shall be required to submit a lighting plan as part of the application and shall be required to meet all applicable lighting standards of this Code.
- vii. Required Façade Improvements.
- 1) Façade improvements shall be required to the extent that a previously operated commercial use/structure can be viewed and generally interpreted as a residential structure by onlookers and passersby. Façade improvements shall at minimum include four of the following: General rehabilitation; Building and site cleaning; Repair and/or reconstruction of existing stucco, siding, brick or other; Painting; Exterior lighting changes/improvements in keeping with the standards of this code; Landscaping and parking lot improvements as per the applicable standards of this code.
  - 2) The following design guidelines and standards shall apply to residential conversions with a construction cost exceeding 50 percent of the structure's assessed value. Improvements should be designed to reduce massing and scope of the existing commercial structure. Design elements that can produce the desired effect include the following: Variations in roof form and parapet height; Pronounced recesses and projections; Distinct changes in texture and color of wall surfaces; Ground level arcades; Cornices; Vertical accents or focal points; Recessed or protected entry ways; and Enhanced window treatments.
  - 3) The use of a common palette of building materials shall be maintained for building façades to create a consistent and traditional architectural identity.
  - 4) Contrasting accent colors on any single façade shall be limited to no more than 25 percent of the total wall area for any single façade.
  - 5) All ground or roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by an opaque wall or fence made of brick, stucco, split face block, or landscaping.

- 
- 6) For all commercial buildings, roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.
  - 7) Refer to Subsection 2.2 for the Allowed building materials and ratios.
  - viii. Dwelling units shall meet the following minimum area requirements:
    - 1) Efficiency unit: 500 square feet;
    - 2) One bedroom unit: 750 square feet;
    - 3) Two bedroom unit: 900 square feet;
    - 4) Three bedroom unit: 1,200 square feet.
  - ix. Unless otherwise provided in this subsection, new commercial development shall adhere to the standards specified in subsection 6.3(D).

(5) *Examples of SSC-RC Commercial Development Forms:*



- (6) *Downtown Commercial Core Mixed-Use (D-CM) District Specific Standards.* The D-CM lies within the Community Redevelopment Areas and parts of it lay within the Historic District. As such, any development and/or redevelopment activity within the D-CM shall require review and approval by the Historic Preservation Board and/or the Community Redevelopment Agency. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Design Guidelines Booklet shall be adhered to.
- a. *Massing, Scale and Orientation Guidelines.*
    - i. The setback of new construction shall be consistent with how the district historically developed.
    - ii. Buildings within the interior of a block should be built to the front property line resulting in a continuous building line.
    - iii. In certain instances, buildings at the corners can be set back further, but should provide pedestrian amenities and landscaping within the front yard.
    - iv. Whenever buildings are set back, the use of landscaping treatments, street furniture, and other elements shall be utilized to help define a continuous street edge.
    - v. New commercial buildings should be no more than one story taller or shorter than adjacent buildings.
    - vi. In certain circumstances, new construction on corner lots can be taller. However, buildings built to a larger scale than its neighbors shall be set back an appropriate distance from adjacent buildings and the street in order to minimize the visual impact due to the variation in scale.

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- vii. A new building's overall proportion (height to width ratio) should be consistent with surrounding historic structures.
  - b. Design, Proportion and Architectural Element Guidelines.
    - i. The design of a new building should not attempt to create a false historic appearance, but rather complement buildings in the existing district. New construction should have its own character and style.
    - ii. Use materials that are common to the district such as brick, stone, terra cotta, wood, and metal. Modern materials are appropriate on a new building, however, masonry should be the predominant material on the façade.
    - iii. The fenestration of a new building should reflect that of existing historic structures within the district in proportion, shape, location, pattern and size. The ratio of solids to voids on a building's façade should reflect the buildings within the same block. Generally, 50 percent of the ground floor shall be transparent, with the remaining stories of a building having, the street facing façade at minimum, 25 percent transparency.
    - iv. New construction should include storefront elements proportional to that of existing historic structures.
    - v. Architectural details such as cornices, arches, and parapet walls give a building texture and define its scale. New construction should reflect that of existing structures. The orientation and pattern of windows, doors, and architectural details can help reduce the impact to new construction.
  - c. Unless otherwise provided in this subsection, new commercial and mixed use development shall adhere to the standards specified in subsection 6.3(D).
- (7) *Examples of D-CM Mixed-Use and Commercial Development Architectural/Design Forms.*



( Ord. No. 1447-17 , § 1, 7-11-2017; Ord. No. 1471-18 , § 1, 5-8-2018; Ord. No. 1947-20 , § 1(Att. A), 9-8-2020; Ord. No. 1961-21 , § 1(Att. A), 6-15-2021)

### 6.5 MANUFACTURED HOME PARK AND SITE STANDARDS

Development of Manufactured Home sites and Parks are limited to manufactured homes only, which are subject to the following standards. Manufactured Homes are permitted only within the Rural Urban (R-U) Zoning District.

- A. **Dimensional Standards.** Table 6.5.1, Manufactured Home Park and Site Dimensional Standards, establishes the dimensional standards for manufactured home parks within the Rural Urban (R-U) District. Standards are provided for the manufactured home park development overall and for individual manufactured home sites within and outside of a park.

- (1) The boundaries of each manufactured home site must be clearly marked within a park.

**Table 6.5.1. ~~Mobile~~Manufactured Home Park and Site Dimensional Standards.**

|                                  | Manufactured Home Park (MHP) | Manufactured Home Site within MHP                        | Singular Manufactured Home Site       |
|----------------------------------|------------------------------|----------------------------------------------------------|---------------------------------------|
| <b>BULK</b>                      |                              |                                                          |                                       |
| Minimum Lot/Site Area            | 10 acres                     | 5,000 sf                                                 | 7,500 sf                              |
| Minimum Lot/Site Width           | 250'                         | 50'                                                      | 60' at FBL; 60' at RTW                |
| Maximum Building Height          | —                            | 20'                                                      | 20'                                   |
| Minimum Separation Between Sites | Max 8 units/acre             | 25' See 4.2(H)(2)                                        | —                                     |
| <b>SETBACKS</b>                  |                              |                                                          |                                       |
| Minimum Front Setback            | 50'                          | Dedicated internal street: 25' Private access drive: 25' | Sight-Line; Minimum 30' if none exist |
| Minimum Side Setback             | 50'                          | 10'                                                      | 12'                                   |
| Minimum Rear Setback             | 50'                          | 25'                                                      | 30'                                   |
| Minimum Open Space               | Refer to Table 12.4.2        | Refer to Table 12.4.2                                    | Refer to Table 12.4.2                 |

B. **Design Standards.** Manufactured homes must meet the following standards:

- (1) The front entry must be a dominant feature on the front elevation of a manufactured home, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings.
- (2) Windows, entrances, or other architectural features are required on all street-facing walls.
- (3) Each manufactured home must utilize roofing materials such as asphalt shingles and be similar in material and appearance to single-family dwellings.
- (4) The roof design must be a full height roof element with a minimum pitch of 3:12.
- (5) All manufactured homes must be designed with skirting that is constructed of fire-resistant material that meets the requirements of the building code.
- (6) The manufactured home must be set on a concrete slab or runway, and such slab or runway must be of a size large enough to accommodate a manufactured home in such a fashion that the concrete will extend at least one inch around the walls of the manufactured home on all sides.

## **ARTICLE 7. USES**

### **7.1 GENERAL USE REGULATIONS**

- A. No structure or land may be used or occupied unless allowed as a permitted or special use within any zoning district.
- B. All uses must comply with any applicable Federal and State regulations and any additional City regulations.
- C. Uses that are not included in the Use Matrix are prohibited within all Zoning districts. However, uses which are substantially similar to the uses permitted herein, that are not indicated in the following sections, which are determined to promote the intent and purposes of a zoning district shall be permitted following a review process by the development approval authority. The development approval authority may, at its discretion, request determination by the Board of Adjustments. Such determinations shall be final.
- D. In some instances a site may contain more than one principle use, so long as each principle use is allowed in the district. Each principle use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support or are functionally integrated into the principle use.
- E. All uses must comply with the applicable Use Standards identified in Article 8 as well as all other regulations of this Code.
- F. Special Uses in any district are subject to additional conditions which may be required as a circumstance of approval. These special conditions may include, but are not limited to additional landscaping, screening, lot area, lot coverage, lot width, yard, and building height requirements and any other requirement that the Planning and Development Department and/or Board of Adjustment may deem necessary in keeping with this code.
- G. The Planning Department may defer to the Board of Adjustment for a certificate of compliance as per subsection 3.3, upon review of any use in any district, before final use approval.

### **7.2 USE DEFINITIONS**

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

*Adult Family-Care Home.* A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives.

*Agriculture.* Land and associated structures used to grow crops and/or raise livestock for sale, commercial use, personal food production, donation, or educational purposes.

*Airport.* Land, water, and/or structures used for the landing and takeoff of aircraft, including airport buildings, hangars, and maintenance equipment. An airport includes passenger terminals for that airport and any ancillary uses within the passenger terminal, such as restaurants and retail goods establishments.

*Amusement Facility - Indoor.* A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, gymnasiums (excluding those within public parks), sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls. Indoor amusement facilities do not include live



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performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

***Amusement Facility - Outdoor.*** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, race tracks, batting cages, miniature golf courses, and amusement parks. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

***Animal Care Facility.*** An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities do not include commercial breeders and animal shelters.

***Animal Shelter.*** An establishment that houses and provides care for homeless, lost, or abandoned dogs, cats, and/or other animals until such animals are reclaimed by their owner, placed in a new home, placed with another organization for adoption, and/or euthanized.

[Antique Store.](#) [Add definition](#)

***Art Gallery.*** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

***Arts Studio.*** An establishment where an art, type of art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, Pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes.

***Assisted Living Facility.*** Any building, section of a building, or distinct part of a building residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services, or limited mental health services, when specifically licensed to do so pursuant to F.S. § 429.075, unless the facility is licensed as an adult family-care home. The term "assisted living facility or facility" includes a facility offering personal services, extended congregate care, limited nursing services, or limited mental health services for fewer than four adults if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services, unless the facility is licensed as an adult family-care home.

***Automated Teller Machine (ATM) - Standalone.*** A freestanding machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel.

***Bar.*** An establishment for the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. In accordance with Chapter 10 of the Code of Ordinances, any restaurant where sales of food items makes up less than 51% of all gross sales is considered a bar.

***Bed and Breakfast.*** A single-family residential dwelling where a resident/owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities and prepares meals for guests. A bed and breakfast may include dining facilities.

***Benevolent Distribution Center.*** A nonreligious charitable organization providing distribution of food and/or supplies to more than ten persons per day.

***Boardinghouse.*** A dwelling used for the purpose of providing meals and/or lodging for a fee to two or more persons other than family members occupying such dwelling.

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**Boat House.** A shed located at the edge of a river or lake used for storing boats.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or nonmedical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Borrow Pit.** A temporary use of a place or premises where dirt, soil, sand, gravel, or other natural material is removed by excavation or other means of extraction for use at another location. It includes any property used for the storage or stockpiling of such material for use at any other location. Borrow pit does not include:

- (1) Excavation in connection with a valid building permit.
- (2) Grading work in connection with an approved grading plan.
- (3) Trenching incidental to the construction and installation of approved utilities.
- (4) Excavation in conjunction with road or drainage construction.
- (5) Excavation of a limited duration where the excavated material is not removed from the site; e.g., swimming pools; septic tanks; agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds; lakes or ponds created for aesthetic purposes, etc.
- (6) Emergency work necessary to protect life or property.
- (7) Removal of hazardous material or waste required for construction of improvements on the same property.

**Broadcasting Facility—TV/Radio.** A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

**Buildings used exclusively by the Federal, State, County, or City government** for public purposes.

**Campground.** An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters.

**Car Wash.** An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

**Casinos.** A public room or building where gambling games are played.

**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment.

**Commercial Breeder.** An establishment where dogs over six months of age are boarded, bred, raised, and trained for commercial gain. Commercial breeder does not include animal shelters or shelter and training facilities for canine units of public safety agencies.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of social, educational, community service activities. A community center may serve as a local "food hub" where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

**Contractor Office.** Offices for businesses in the conduct of any building trade or building craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, or building materials related to and used by the building trade or craft. If a contractor office has no on-site accessory storage of equipment, vehicles, machinery, or building materials and is used only for office functions, such use is considered an office.

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*Convention Center.* A facility designed and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with ancillary functions including temporary outdoor displays and food and beverage preparation and service for on premise consumption.

*Community Garden.* The cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Community gardens do not include the raising of any livestock or the use of heavy machinery.

*Community Residential Home.* A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration as required by F.S. § 419.001.

*Conservation Area.* Designated open space that preserves and protects natural features, wildlife, and critical environmental features. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

*Country Club.* An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes with indoor and/or outdoor recreation facilities, restaurants and bars, meeting rooms, and similar uses.

*Cultural Facility.* A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

*Day Care Center.* A facility where, for a portion of a 24 hour day, care and supervision is provided for:

- (1) Children not related to the owner or operator of the facility; or
- (2) Elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator.

*Day Care Home.* A residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for:

- (1) Care of children not related to the owner or operator of the facility; or
- (2) Elderly and/or functionally impaired adults in a protective setting that are not related to the owner or operator of the facility. A child day care home does not include a dwelling that receives children from a single household. For the purposes of applying district dimensional standards, day care homes are subject to the standards for the dwelling type.

*Drive-Through Facility.* That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility is approved separately as a principal use in conjunction with other principal uses such as restaurants and financial institutions. A standalone ATM is not considered a drive-through facility for the purposes of this definition and is regulated separately.

*Dwelling, Above the Ground Floor.* Dwelling units located within single multi-story buildings located above nonresidential uses on the ground floor or to the rear of non-residential uses on the ground floor. In the case of dwelling units located behind [or adjacent to](#) non-residential uses on the ground floor, non-residential uses must front on the primary street frontage. [Residential uses should be indistinguishable and screened from public view.](#)

*Dwelling—Accessory Dwelling Unit.* An additional dwelling unit associated with and incidental to a principal single-family - detached or attached or two-family dwelling on the same lot. An accessory dwelling unit must include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit must be within or attached to the principal dwelling unit structure or within an existing structure, such as a garage or carriage house, and designed so that the appearance of the principal structure remains that of a single-family residence.

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*Dwelling—Manufactured Home.* A manufactured home is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local Florida building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes do not include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular buildings and modular homes are not considered manufactured homes, and refer to a method of construction. Manufactured homes must display the HUD label pursuant to 24 CFR, Section 3280.11.

*Dwelling—Mobile Home.* A residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. This term refers specifically to those manufactured homes built prior to 1976 and to the passage of the Federal National Manufactured Housing Construction and Safety Standards Act of 1974.

*Dwelling - Multi-Family.* A structure containing three or more attached dwelling units used for residential occupancy. A multi-family dwelling does not include a townhouse dwelling.

*Dwelling—Townhouse.* A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are stacked horizontally or vertically, separated by a party wall, ceiling, or floor. A townhouse is typically designed so that each unit has a separate exterior entrance. A townhouse dwelling does not include a multi-family dwelling.

*Dwelling—Single-Family—Detached.* A structure containing only one dwelling unit on a single lot.

*Dwelling—Single-Family—Attached.* A structure that contains two dwelling units attached by a party wall at a lot line but located on separate lots.

*Dwelling—Two-Family.* A structure containing two dwelling units on a single lot.

*Educational Facility—Primary or Secondary.* A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

*Educational Facility—University or College.* A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities - university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

*Educational Facility—Vocational.* A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.

*Efficiency Unit.* A small apartment consisting typically of a combined living room and bedroom, a bathroom, and a kitchenette.

*Emergency Shelter.* A facility that provides temporary or transitional shelter for the homeless in general or for specific populations of the temporary homeless.

*Fallout Shelter.* An enclosed space specifically designed to protect occupants from radioactive debris or "fallout" resulting from a nuclear explosion or other similar catastrophic event.

- (1) *Aboveground.* A shelter constructed entirely above the natural grade with the exception of the foundation.

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- (2) *Underground.* A shelter constructed entirely below the natural grade of the property with the exception of vents (not to exceed 36 inches in height) and entrance/exit ways (not to exceed 36 inches in height when in open position).

*Farmers Market.* ~~Use Temporary or permanent use~~ of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from two or more farmers or from vendors that have taken such items on consignment for retail sale.

*Fast Food Restaurant.* Generally, an establishment where food, designed for ready availability, use, or consumption and with little consideration given to quality or significance, is prepared and served quickly to persons for consumption on or off the premises. Such facilities may or may not provide drive-in windows for service and typically have a high customer turnover rate.

*Financial Institution.* A bank, savings and loan, credit union, or mortgage office.

*Fraternity/Sorority.* A structure used by a chartered fraternal or sororal membership organization or association, used as a residence and/or a dining and recreational facility for members of organizations or associations who are students at a university, which permits the organization or association to use its facilities because of the relationship of such organization or association to the body of students enrolled in such institution.

*Freight Terminal.* A facility for freight pick-up or distribution by rail, air, truck, or shipping transport.

*Funeral Home.* An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

*Garage Apartment.* An accessory or subordinate building containing living facilities and space for at least one automobile.

*Gas Station.* An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, ancillary minor vehicle repair facilities, and solar and/or electric charging stations.

*Golf Course/Driving Range.* A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls, and may include a snack-bar and pro-shop.

*Government Office.* Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

*Greenhouse/Nursery - Retail.* An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

*Group Home.* A group care facility in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; 2) care of persons in transition or in need of supervision; or 3) the protection of the individual. Group homes include facilities for drug and alcohol rehabilitation and those transitioning from homeless status. Group home does not include facilities for adults or minors who have been institutionalized for criminal conduct and require a group setting to facilitate transition into society.

*Guest Cottage.* A living quarters within a detached accessory building located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

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*Halfway House.* A residential facility for adults or minors who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

*Healthcare Institution.* Facilities, such as hospitals, used for primary health services and medical or surgical care to people, primarily inpatient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

*Heavy Retail, Rental, and Service.* Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

*Helipad.* An area of land or portion of a structure used for the landing and take-off of helicopters with no facilities for service or permanent basing of such aircraft.

*Heliport.* A designated landing area for discharging or picking up passengers or goods by helicopter or similar vertical lift aircraft, and includes terminal facilities for passengers, goods, aircraft servicing, or storage.

*Home Occupation.* An occupation, in which any part of a business is operated, directed, managed, or conducted on a residential property by members of the household residing on such premises in any residential district.

*Hotel.* A facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

*Industrial—Artisan.* A manufacturing establishment for artisan-related crafts that are more intensive uses, such as small-scale metalworking, glassblowing, small furniture making, pottery, leathercraft, hand-woven articles, and related items.

*Industrial—Design.* An establishment where the design, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

*Industrial—Heavy.* The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

*Live Entertainment—Ancillary Use.* A live performance, performed live by one or more persons including, but not limited to, musical acts including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As an ancillary use, the other principal use operating on the site must be open to public during hours when no performance is scheduled. Live entertainment - ancillary use is approved separately as a principal use. Live entertainment - ancillary use does not include:

- (1) Any sexually-oriented business.
- (2) Nightclubs.
- (3) Live performance venue.
- (4) Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, and performances at weddings and similar religious events.

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(5) Incidental entertainment, which is defined as background music provided at a bar or restaurant.

*Lite Manufacturing.* The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building, and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined entirely within the building. A ~~lite~~<sup>light</sup> manufacturing use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site.

*Live Performance Venue.* A facility for the presentation of live entertainment, including musical acts ~~including~~<sup>such as</sup> disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and are available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any sexually oriented businesses or nightclubs.

*Lodge/Meeting Hall.* A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

*Manufactured Home Park.* A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

*Marina.* A premises or site used for the rental of covered or uncovered boat slips or dock space, marine fuel and lubricant sales, boat and motor facilities, live boat sales, and boat dry storage.

*Medical/Dental Office.* A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

*Medical Marijuana Treatment Center.* An establishment that, under Florida law (currently codified at Section 29, Article X of the Florida Constitution and Section 381.986, F.S. (2017)) may legally dispense marijuana as defined in Section 29, Article X of the Florida Constitution. The definition shall include any establishments that are permitted to legally dispense marijuana by legislation or regulations adopted to implement Section 29, Article X of the Florida Constitution. Until such legislation or regulations are adopted, the definition of such establishments shall be limited to "dispensing organizations" as defined in Section 381.986, F.S. (2016).

*Micro-Brewery Small.* A facility limited to the production and packaging of malt beverages of alcoholic content for consumption on site and limited distribution, with a capacity of less than 10,000 barrels per year and may include a tasting room. Brewery facilities that exceed this capacity are considered large micro-breweries.

*Micro-Brewery-Large.* A facility for the production and packaging of malt beverages in quantities greater than 10,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items.

*Micro-Distillery.* A facility for the production and packaging of alcoholic beverages in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Distillery facilities that exceed this capacity are considered light industrial uses.

*Micro-Winery.* A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a

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tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Wineries that exceed this capacity are considered light industrial uses.

*Movie Studio.* Facilities for the production of motion pictures and film, including stages, exterior sets, film laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

*Neighborhood Market.* A commercial use within a primarily residential neighborhood that is limited in size, and scale and to internal sales only.

*Nightclub.* An establishment that provides entertainment of a participatory nature, including disc jockeys (DJs), by providing a place for dancing designed with an area designated as a dance floor, including any stage area; however portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas. A nightclub is only open to the public when it is providing such entertainment and admission (cover charge) is generally charged for admittance.

*Nursing, Convalescent, or Rest Home.*

- (1) The term "nursing, convalescent, or rest home" means a home for the aged, convalescent, chronically ill, or incurable person, in which two or more persons not of the same immediate family are received, kept or provided with food and shelter or care.
- (2) The term "nursing, convalescent, or rest home" does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- (3) Unlike Assisted Living Facility's, nursing homes provide around the clock care and medical services for residents.

*Office.* An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office, or industrial design.

*Outdoor Dining.* A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

*Pain Management Clinic.* A facility focused on the diagnosis and management of chronic pain. This term does not include chiropractor's offices or physical therapy clinics.

*Parking Lot.* An open, hard-surfaced area, other than a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

*Parking Space.* A parcel of property no less than nine-foot by 18-foot or 162 square feet in area used for the parking of a motorized vehicle.

*Parking Structure.* A structure of one or more levels or floors used for the parking or storage of operable vehicles, whether for compensation or at no charge.

*Passenger Terminal.* A facility for the handling, receiving, and transferring of passengers.

*Pay Day/Title Loan Agency.* An establishment providing loans to individuals in exchange for receiving personal checks or the original title to the borrower's motor vehicle as collateral.

*Permanent Makeup Services.* Permanent makeup is otherwise known as cosmetic tattooing, and includes the application of permanent eyeliner, eyebrows, full lip color, re-pigmentation or camouflage using tattooing techniques of placing pigments under the skin. Permanent makeup services shall only be allowed within body modification establishments as defined, except as provided in this ordinance.

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*Personal Service Establishment Beauty/Salon.* An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, [health clubs](#), electronics repair shops, and nail salons.

*Personal Service Establishment Laundry/Dry Cleaner.* An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include laundromats, [health clubs](#), dry cleaners, and tailors.

*Pharmacy.* Pharmacy means the same as that term as defined in Section 465.003, Florida Statutes, as may be amended from time to time, and includes community pharmacy, internet pharmacy, and special pharmacy, but does not include institutional pharmacy or nuclear pharmacy, as each of those terms are used in that section.

*Place of Worship.* A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction.

*Planned Development Project (PDP).* Also known as a Planned Unit Development is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.

*Private Stable.* A structure where horses are kept for personal use and enjoyment by and for the owners or occupants of the premises and where the horses and stable space are not available for lease, rent, or sale.

*Public Park.* A facility that serves the recreational needs of residents and visitors. Public Park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor amusement facilities, including zoos and amphitheaters, ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

*Public Safety Facility.* A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine units of public safety agencies.

*Public Works Facility.* A facility operated by the City of Milton public works department to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

*Reception Facility.* A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation.

Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

*Recreational Vehicle (RV) Park.* Land used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

*Recycling Collection Center.* A site where recyclable materials are collected and often sorted for processing. It may or may not be opened to the public for personal deposit of recyclable materials. Processing of materials shall not occur at the site.

*Research and Development.* A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

*Restaurant.* An establishment where food and drinks are provided to the public, primarily for on-premises consumption by seated patrons. If the establishment also serves alcoholic beverages, a full menu of food and

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drinks must also be prepared on premises and a minimum of 51% of gross sales must come from food sales, as documented and determined in accordance with Section 61 A-3.0141 of the Florida Administrative Code or any amendment thereof.

*Retail/Convenience.* A small store with extended hours of operation, typically located in an easily accessible or convenient location, with a limited selection of a range of products to include household goods and groceries.

*Retail Goods Establishment (Shop).* An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Sale of alcohol products is regulated separately as retail sales of alcohol.

*Retail Sales of Alcohol.* Retail sales of alcoholic beverages in factory original containers for consumption off-premises.

*Retail Vape Shop/Retail Tobacco Store.* Any establishment dedicated to or predominantly for the retail sale of tobacco products or vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.

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*Salvage Yard.* Land where vehicles or other machinery are collected, accumulated, or stored, and broken up, where parts may be saved and processed for resale. This includes any land where two or more wrecked, junked, burned, salvaged, disassembled, or inoperative motor vehicles are collected, accumulated, or stored not within a completely enclosed structure.

*Second-Hand Store (Thrift Store).* A store front which sells goods and wares that are not new and/or have been previously owned by another party, this does not include Antique Stores nor does it include Used Book Stores, ~~which are both considered Retail Good Establishments.~~

*Self-Storage Facility (Mini-Warehouse).* A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

*Sexually-Oriented Business.* Any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, ~~adult arcade~~, adult cabaret, adult motel, adult motion picture theater, dual purpose business, escort agency, exotic dance service, or semi-nude model studio as defined in this section.

*Shopping Center.* ~~One or more~~ More than one retail stores and/or service establishments containing a minimum of 15,000 square feet of floor space.

*Single Room Occupancy.* A residential facility where individual secure rooms, which do not have full kitchens or cooking facilities, are rented to a single- or two-person household.

*Solar Farm.* An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

*Specialty Food Service.* A business that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheese monger, coffee roaster, frozen desserts, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

*Storage Yard—Outdoor.* The storage of material outdoors as a principal use of land for more than 24 hours.

*Take-Out Only Restaurant.* A Restaurant designed for the preparation of food only. There may be a lobby or waiting area for the pick-up of prepared food only. This waiting area may provide a seating area. Food is not consumed by the customer within the restaurant.

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*Temporary Contractor's Office.* A temporary structure utilized as a watchman's quarters, construction office, equipment shed, or sales center during the construction of a new development.

~~*Temporary Mobile Food Sales.* A mobile food establishment where food preparation and service is housed in a truck or trailer or a non-motorized mobile food cart.~~

*Temporary Outdoor Entertainment.* A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

*Temporary Outdoor Sales.* Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

*Transient Vacation Rentals.* A dwelling or a room or suites of rooms, with or without culinary facilities, that is subject to a transient vacation rental agreement with a duration of occupancy of less than 30 days. All transient vacation rentals must be licensed by the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants or other regulating agency.

*Truck Repair.* Establishments involved in the repair and service of trucks. As used in this definition the term truck does not include any vehicle whose maximum gross weight is 10,000 pounds or less as rated by the Florida Department of Motor Vehicles.

*Utility.* Facilities that produce and/or transmit basic services, such as [electricity](#), gas, sewer, water, cable, or communications, including large-scale developments such as electrical substations, high voltage transmission lines, and water towers and tanks. Utilities do not include public works facilities, wireless telecommunications, wind energy systems, or solar farms.

*Vehicle Dealership.* An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

*Vehicle Operations Facility.* A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

*Vehicle Rental.* An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

*Vehicle Repair—Major.* A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles, and may include minor vehicle repair services.

*Vehicle Repair—Minor.* A business that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.

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*Warehouse.* An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

*Wholesale Establishment.* A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

*Wind Energy System.* An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

*Wireless Telecommunications.* Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

- (1) *Antenna.* A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.
- (2) *Facility.* A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.
- (3) *Tower.* A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

( Ord. No. 1452-17 , § 1, 8-8-2017; Ord. No. 1460-17 , § 2, 9-12-2017; Ord. No. 1466-17 , § 1, 12-12-2017; Ord. No. 1477-18 , § 1, 9-11-2018)

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### 7.3 USE MATRIX [\(RC-1 uses under review by the Community Improvement Board\)](#)

*Table 7.3.1:* The Use Matrix identifies the primary and temporary uses allowed within each zoning district. "P" indicates that the use is permitted in the district. "S" indicates that the use is a special use/exception in the district and requires special use approval. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a "P" indicates the temporary use is allowed in the district but will require approval by a temporary use permit.

The "Use Standard" column references the specific use standards identified for the various uses presented in the Matrix. The "Use Standard" is in addition to all other standards of this code. All uses must adhere to the Zoning District Dimensional and Design Standards of their respective Zoning District identified in Article 6. Parking, Landscaping, Access and other standards identified in this Code shall apply.

Uses that do not reference a specific "Use Standard" do not have standards that are specific to, in addition to, or that differ from those standards identified in Article 6 or other Articles of this code. For Accessory Use and Environmental Performance Standards, see Article 9. Some Accessory Uses are identified in the Use Matrix.

Uses permitted within the R-C1 and D-CM zoning districts, rather by right or by special exception, may require a certificate of compliance by the board of adjustment prior to permitting.

The *Special Use/Exception Approval* process is outlined in Subsection 3.3.

|                                               |   | R-1A | R-1 | R-2 | R-3 | R-U | R-C1 | C-1 | C-2 | C-3 | D-CM | SSC-RC | P-E | CON | REC | USE STANDARD |
|-----------------------------------------------|---|------|-----|-----|-----|-----|------|-----|-----|-----|------|--------|-----|-----|-----|--------------|
| PRINCIPAL USE                                 |   |      |     |     |     |     |      |     |     |     |      |        |     |     |     |              |
| Adult Family-Care Home                        | P | P    | P   | P   | P   | P   | S    | S   |     |     |      | S      |     |     |     | 8.1(R)       |
| Agriculture                                   |   |      |     |     |     | P   |      |     |     |     |      |        |     |     |     | 8.1(A)       |
| Airport                                       |   |      |     |     |     | S   |      |     |     |     |      |        |     |     |     | 8.1(B)       |
| Amusement Facility Indoor                     |   |      |     |     |     | S   | S    | S   | P   | P   | P    | P      |     |     |     | 8.1(C)       |
| Amusement Facility - Outdoor                  | S | S    | S   | S   | P   | P   | S    | S   | P   | P   | S    | P      | P   |     |     | 8.1(C)       |
| Animal Care Facility (Veterinary Clinic)      |   |      |     |     |     | S   |      | S   | P   | P   | P    | P      |     |     |     | 8.1(D)       |
| Animal Shelter                                |   |      |     |     |     | S   |      | S   | P   | P   |      | S      |     |     |     | 8.1(D)       |
| Animal Shelter - Operated by Public Authority |   |      |     |     |     | S   | P    | S   | P   | S   |      | P      | P   |     |     | 8.1(D)       |
| Art Gallery                                   |   |      |     |     |     | P   | P    | P   | P   | P   | P    | P      |     |     |     |              |
| Art Studio                                    |   |      |     |     |     |     | P    | P   | P   | P   | P    | P      |     |     |     |              |
| Assisted Living Facility (ALF)                | S | S    | S   | S   | P   | S   | S    | S   | P   | P   |      | S      |     |     |     | 8.1(QQ)      |
| Automated Teller Machine (ATM)                |   |      |     |     | S   |     | S    | P   | P   | P   | P    | P      |     |     |     | 8.1(E)       |
| Bar/Tavern                                    |   |      |     |     |     |     |      | S   | P   | P   | P    |        |     |     |     | 8.1(F)       |
| Bed and Breakfast                             |   |      |     |     | S   | S   | P    | P   | S   |     |      | P      |     |     |     | 8.1(G)       |
| Benevolent Distribution Center                |   |      |     |     |     |     |      |     |     | P   |      |        |     |     |     | 8.1(H)       |
| Boarding House                                |   |      |     |     | P   |     |      |     |     |     |      |        |     |     |     | 8.1(I)       |
| Boat House (Accessory)                        | P | P    | P   | P   | P   | P   | P    | P   | S   |     |      |        |     |     |     | 8.1(J)       |
| Boat Ramp/Pier                                |   |      |     |     |     |     | P    |     |     | P   | P    |        | P   | P   | P   | 8.1(K)       |
| Boat Rental Facility                          |   |      |     |     | P   |     | P    | P   | P   | P   | P    |        |     |     |     |              |
| Body Modification Establishment               |   |      |     |     |     |     |      | S   | P   | P   |      |        |     |     |     | 8.1(L)       |

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|                                                               | <u>R-1AA</u> | <u>R-1A</u> | <u>R-1</u> | <u>R-2</u> | <u>R-3</u> | <u>R-U</u> | <u>R-C1</u> | <u>C-1</u> | <u>C-2</u> | <u>C-3</u> | <u>D-CM</u> | <u>SSC-RC</u> | <u>P-E</u> | <u>CON</u> | <u>REC</u> | <u>USE STANDARD</u> |
|---------------------------------------------------------------|--------------|-------------|------------|------------|------------|------------|-------------|------------|------------|------------|-------------|---------------|------------|------------|------------|---------------------|
| Broadcasting Facility<br>TV/Radio with or without<br>Antennae |              |             |            |            | S          | S          |             | P          | P          | P          |             | S             | P          |            |            | 8.1(HH)             |
| Buildings Used Exclusively<br>for Gov.                        | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           | P             | P          |            | P          |                     |
| Campground / RV Park                                          |              |             |            |            |            | P          |             |            |            |            |             |               | P          |            | P          | 8.1(N)              |
| Car Wash                                                      |              |             |            |            |            |            | S           | P          | P          | P          |             | P             |            |            |            | 8.1(O)              |
| Cemetery                                                      |              |             |            |            |            | S          |             |            |            |            |             |               | S          |            |            | 8.1(P)              |
| Commercial Breeder                                            |              |             |            |            |            |            |             |            | S          | P          |             |               |            |            |            | 8.1(D)              |
| Community Center                                              | S            | S           | S          | S          | P          | P          | P           | S          |            |            |             | P             | P          |            |            |                     |
| Community Garden                                              | S            | S           | S          | S          | P          | P          | P           | S          |            |            | S           | P             | P          |            | P          | 8.1(Q)              |
| Community Residential<br>Home 6 or less                       | P            | P           | P          | P          | P          | P          | S           |            |            |            |             | P             |            |            |            | 8.1(R)              |
| Community Residential<br>Home 7 or more                       |              |             |            |            | P          |            | S           | S          |            |            |             |               |            |            |            | 8.1(R)              |
| Conservation Area                                             | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           | P             | P          | P          | P          |                     |
| Contractor Office w/out<br>Storage                            |              |             |            |            | S          | S          | P           | P          | P          | P          | P           | P             |            |            |            | 8.1(S)              |
| Contractor Office with<br>Storage                             |              |             |            |            |            |            |             | S          | PS         | P          |             | S             |            |            |            | 8.1(S)              |
| Convention Center                                             |              |             |            |            |            | S          | P           |            | S          | S          | S           | P             | P          |            |            | 8.1(T)              |
| Country Club                                                  | S            | S           | S          | S          | P          | P          | P           | P          | P          |            |             | P             |            |            |            | 8.1(U)              |
| Cultural Facility                                             |              |             |            |            | S          | P          | P           | P          | P          | S          | P           | P             | P          |            |            | 8.1(V)              |
| Day Care Center                                               | S            | S           | S          | S          | P          | P          | P           | P          | P          | P          |             | P             |            |            |            | 8.1(W)              |
| Day Care Home                                                 | P            | P           | P          | P          | P          | P          | P           | S          |            |            |             | P             |            |            |            | 8.1(W)              |
| Drive-Through Facility                                        |              |             |            |            |            | S          | S           | P          | P          | P          |             | S             |            |            |            | 8.1(X)              |
| Dwelling - Above the<br>Ground Floor                          |              |             |            |            |            |            | P           | P          | S          |            | P           | P             |            |            |            | 8.1(Y)              |
|                                                               |              |             |            |            |            |            |             |            |            |            |             |               |            |            |            |                     |

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|                                              | <u>R-1AA</u> | <u>R-1A</u> | <u>R-1</u> | <u>R-2</u> | <u>R-3</u> | <u>R-U</u> | <u>R-C1</u> | <u>C-1</u> | <u>C-2</u> | <u>C-3</u> | <u>D-CM</u> | <u>SSC-RC</u> | <u>P-E</u> | <u>CON</u> | <u>REC</u> | <u>USE STANDARD</u>                                                       |
|----------------------------------------------|--------------|-------------|------------|------------|------------|------------|-------------|------------|------------|------------|-------------|---------------|------------|------------|------------|---------------------------------------------------------------------------|
| Dwelling - Accessory Dwelling Unit           | S            | S           | S          | S          | P          | P          | P           |            |            |            |             | P             |            |            |            | 9.3(K)                                                                    |
| Dwelling - Manufactured Home                 |              |             |            |            |            | P          |             |            |            |            |             |               |            |            |            |                                                                           |
| Dwelling - Mobile Home                       |              |             |            |            |            |            |             |            |            |            |             |               |            |            |            |                                                                           |
| Dwelling - Multi-Family                      |              |             |            |            | P          |            | P           | P          | P          | P          |             | P             |            |            |            | <a href="#">8.2(BB)</a>                                                   |
| Dwelling - Townhouse                         |              |             |            |            | P          |            | P           | S          |            |            |             | P             |            |            |            | <a href="#">8.2(BB)</a>                                                   |
| Dwelling - Single-Family                     | P            | P           | P          | P          | P          | P          | P           | S          |            |            |             | P             |            |            |            | <a href="#">8.2(BB)</a>                                                   |
| Dwelling - Two-Family                        |              |             |            | P          | P          | P          | P           | S          |            |            |             | P             |            |            |            | <a href="#">8.2(BB)</a>                                                   |
| Educational Facility - Primary or Secondary  | S            | S           | S          | S          | P          | P          | P           | S          | P          |            |             | P             | P          |            |            |                                                                           |
| Educational Facility - University or College | S            | S           | S          | S          | P          | P          | P           | S          | P          | P          |             | P             | P          |            |            |                                                                           |
| Educational Facility - Vocational            | S            | S           | S          | S          | P          | P          | P           | S          | P          | P          |             | S             | P          |            |            |                                                                           |
| Fallout Shelter (1-2 Family, Accessory)      | P            | P           | P          | P          | P          | P          | P           |            |            |            |             | P             |            |            |            | 9.3(M)                                                                    |
| Community Shelter                            | S            | S           | S          | S          | S          | P          | P           | P          | P          | S          | S           | S             | P          |            |            | 9.3(M)                                                                    |
| Display Shelter                              |              |             |            |            |            |            |             | P          | P          | P          |             |               |            |            |            | 9.3(M)                                                                    |
| Farmers Market                               |              |             |            |            | S          | P          | P           | P          | P          |            | S           | S             | P          |            |            | <a href="#">8.2(A) - Should Create Use Standards for</a>                  |
| Fast food Restaurant                         |              |             |            |            |            |            | S           | P          | P          |            |             | P             |            |            |            | <a href="#">Needs Use Standards (Possibly link to Articles 6 &amp; 9)</a> |
| Financial Institution                        |              |             |            | S          | S          |            | P           | P          | P          | P          | P           | P             |            |            |            | <a href="#">8.1(E)&amp;(X) for drive</a>                                  |

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|                                     |                            |                           |                     |                     |                     |                     |                           |                     |                     |                     |                           |                             |                     |                     |                     |                                  | <a href="#">through<br/>only?</a>                                  |
|-------------------------------------|----------------------------|---------------------------|---------------------|---------------------|---------------------|---------------------|---------------------------|---------------------|---------------------|---------------------|---------------------------|-----------------------------|---------------------|---------------------|---------------------|----------------------------------|--------------------------------------------------------------------|
|                                     | <a href="#">R-<br/>1AA</a> | <a href="#">R-<br/>1A</a> | <a href="#">R-1</a> | <a href="#">R-2</a> | <a href="#">R-3</a> | <a href="#">R-U</a> | <a href="#">R-<br/>C1</a> | <a href="#">C-1</a> | <a href="#">C-2</a> | <a href="#">C-3</a> | <a href="#">D-<br/>CM</a> | <a href="#">SSC-<br/>RC</a> | <a href="#">P-E</a> | <a href="#">CON</a> | <a href="#">REC</a> | <a href="#">USE<br/>STANDARD</a> |                                                                    |
| Fraternity/Sorority                 | S                          | S                         | S                   | S                   | S                   | S                   | S                         |                     |                     |                     |                           |                             |                     |                     |                     |                                  | 8.1(CC)                                                            |
| Freight Terminal                    |                            |                           |                     |                     |                     |                     |                           |                     |                     |                     |                           |                             |                     |                     |                     |                                  |                                                                    |
| Funeral Home                        |                            |                           |                     |                     |                     |                     | P                         | P                   | P                   | P                   |                           | S                           |                     |                     |                     |                                  |                                                                    |
| Garage Apartment<br>(Accessory)     | P                          | P                         | P                   | P                   | P                   | P                   | P                         |                     |                     |                     |                           | S                           |                     |                     |                     |                                  | 9.3(K)                                                             |
| Gas Station                         |                            |                           |                     |                     |                     |                     | P                         | P                   | P                   | P                   |                           | S                           |                     |                     |                     |                                  | 8.1(DD)                                                            |
| Golf Course/Driving<br>Range        | S                          | S                         | S                   | S                   | P                   | P                   |                           | P                   | P                   | P                   |                           | S                           |                     |                     |                     |                                  | <a href="#">8.1(C)</a>                                             |
| Government Office                   | P                          | P                         | P                   | P                   | P                   | P                   | P                         | P                   | P                   | P                   | P                         | P                           | P                   |                     |                     |                                  |                                                                    |
| Greenhouse/Nursery -<br>Retail      |                            |                           |                     |                     | S                   | P                   | S                         | P                   | P                   | P                   |                           | S                           |                     |                     |                     |                                  | <a href="#">Link to On<br/>Site<br/>Development<br/>Standards?</a> |
| Group Home                          | S                          | S                         | S                   | S                   | P                   | S                   | S                         | S                   | P                   | P                   |                           | S                           |                     |                     |                     |                                  | 8.1(EE)                                                            |
| Guest Cottage (Accessory)           | P                          | P                         | P                   | P                   | P                   | P                   | P                         |                     |                     |                     |                           | S                           |                     |                     |                     |                                  | 9.3(K)                                                             |
| Halfway House                       |                            |                           |                     |                     | S                   | S                   |                           |                     |                     | S                   |                           | S                           |                     |                     |                     |                                  | 8.1(EE)                                                            |
| Healthcare Institution              |                            |                           |                     |                     | S                   |                     | S                         | P                   | P                   | P                   |                           | P                           | P                   |                     |                     |                                  |                                                                    |
| Heavy Retail, Rental and<br>Service |                            |                           |                     |                     |                     |                     |                           | S                   | P                   | P                   |                           | S                           |                     |                     |                     |                                  |                                                                    |
| Helipad                             |                            |                           |                     |                     | S                   | S                   |                           | S                   | P                   | P                   |                           | S                           | P                   |                     |                     |                                  | 8.1(B)                                                             |
| Heliport                            |                            |                           |                     |                     |                     | S                   |                           |                     |                     |                     |                           |                             |                     |                     |                     |                                  | 8.1(B)                                                             |
| Home Occupation                     | P                          | P                         | P                   | P                   | P                   | P                   | P                         |                     |                     |                     |                           | P                           |                     |                     |                     |                                  | 8.1(FF)                                                            |
| Hotel/Motel                         |                            |                           |                     |                     |                     |                     | P                         | P                   | P                   | P                   | S                         | S                           |                     |                     |                     |                                  | <a href="#">Create Use<br/>Standard<br/>for?</a>                   |
| Industrial Artisan                  |                            |                           |                     |                     |                     |                     | S                         | S                   | S                   | P                   | S                         | S                           |                     |                     |                     |                                  | 8.1 (GG)                                                           |
| Industrial Design                   |                            |                           |                     |                     |                     |                     | S                         | S                   | S                   | P                   | S                         | S                           |                     |                     |                     |                                  | 8.1 (GG)                                                           |
| Lite Manufacturing                  |                            |                           |                     |                     |                     |                     | S                         | S                   | <a href="#">P S</a> | P                   |                           | P                           |                     |                     |                     |                                  | 8.1 (GG)                                                           |

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|---------------------------------------|--------------|-------------|------------|------------|------------|------------|-------------|------------|------------|------------|-------------|---------------|------------|------------|------------|--------------------------------------------------|
| Live Entertainment - Ancillary Use    |              |             |            |            |            |            | S           | S          | P          | P          | P           | P             |            |            |            | 8.1 (HH)                                         |
| Live Performance Venue                |              |             |            |            |            | S          | S           | P          | P          |            | P           | S             | P          |            |            | 8.1 (HH)                                         |
| Lodge/Meeting Hall                    |              |             |            |            |            |            | P           | P          | P          | S          | S           | S             |            |            |            | 8.1 (II)                                         |
| Manufactured Home Park                |              |             |            |            |            | P          |             |            |            |            |             |               |            |            |            |                                                  |
| Marina                                |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            | <a href="#">Create Use Standard for?</a>         |
| Medical/Dental Office                 |              |             |            | S          | P          | P          | P           | P          | P          | P          | P           | P             |            |            |            |                                                  |
| Medical Marijuana Treatment Center    |              |             |            |            |            |            | S           | P          | P          | P          | S           | S             |            |            |            | 8.1(JJ)                                          |
| Micro-Brewery/Distillery/Winery Small |              |             |            |            |            |            | P           | P          | P          | P          | P           |               |            |            |            | 8.1(KK)                                          |
| Micro-Brewery/Distillery/Winery Large |              |             |            |            |            |            |             |            | S          | P          |             |               |            |            |            | <a href="#">8.1(GG)</a>                          |
| Mobile Vendors                        |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            | <a href="#">Reference New Mobile Vendor Regs</a> |
| Movie Studio                          |              |             |            |            |            |            | S           | S          | P          | P          |             | S             |            |            |            |                                                  |
| Neighborhood Market                   |              |             |            | S          | P          |            | P           | P          | P          | P          | P           | P             |            |            |            | 8.1(LL)                                          |
| Nightclub                             |              |             |            |            |            |            |             | S          | P          | P          |             |               |            |            |            | 8.1(HH)                                          |
| Nursing, Convalescent, or Rest Home   |              |             |            |            | P          |            |             | P          | P          | P          |             | S             |            |            |            |                                                  |
| Office                                |              |             |            | S          | P          |            | P           | P          | P          | P          | P           | P             |            |            |            |                                                  |
| Outdoor Dining                        |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            | 8.1(MM)                                          |
| Pain Management Clinic                |              |             |            |            |            |            | S           | P          | P          | P          |             | S             |            |            |            |                                                  |
| Parking Lot (Principle Use)           |              |             |            |            |            |            | P           | P          | P          | P          | P           | S             |            |            |            | 8.1(NN)                                          |

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|-----------------------------------------------------------------------------------------------------|--------------|-------------|------------|------------|------------|------------|-------------|------------|------------|------------|-------------|---------------|------------|------------|------------|---------------------|
| Parking Structure (Principle Use)                                                                   |              |             |            |            |            |            | P           | P          | P          | P          | P           | S             |            |            |            | 8.1(NN)             |
| Passenger Terminal                                                                                  |              |             |            |            |            |            |             |            | S          | P          |             | S             |            |            |            |                     |
| Pay Day/Title Loan Agency                                                                           |              |             |            |            |            |            | S           | S          | P          | P          |             | S             |            |            |            | 8.1(OO)             |
| Permanent Makeup Services (ancillary use within a salon, doctors office or educational institution) |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            |                     |
| Personal Service Establishment Beauty/salon                                                         |              |             |            | S          | S          |            | P           | P          | P          | P          | P           | P             |            |            |            |                     |
| Personal Service Establishment Laundry/Dry Cleaner                                                  |              |             |            |            | S          |            | P           | P          | P          | P          |             | P             |            |            |            |                     |
| Pharmacy                                                                                            |              |             |            |            |            |            | S           | P          | P          | P          | S           | S             |            |            |            | 8.1(PP)             |
| Pier (Accessory)                                                                                    | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           |               |            |            |            | 8.1(K)              |
| Planned Development Project Residential                                                             | P            | P           | P          | P          | P          | P          | P           | P          | S          | S          | S           | P             |            |            |            |                     |
| Planned Development Project Commercial                                                              |              |             |            |            | S          | S          | P           | P          | P          | P          | P           | P             |            |            |            |                     |
| Place of Worship                                                                                    | S            | S           | S          | S          | P          | P          | P           | P          | P          | P          |             | P             |            |            |            |                     |
| Private Stable                                                                                      | P            | P           | P          | P          | P          | P          |             |            |            |            |             |               |            |            |            | 8.1(QQ)             |
| Public Park                                                                                         | P            | P           | P          | P          | P          | P          | P           | P          | P          | S          | P           | P             | P          | S          | P          |                     |
| Public Safety Facility                                                                              | S            | S           | S          | S          | P          | P          | P           | P          | P          | P          | P           | P             | P          |            |            |                     |
| Public Works Facility                                                                               | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           | P             | P          |            |            |                     |
| Reception Facility                                                                                  |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            | 8.1(RR)             |
| Recreational Vehicle Park                                                                           |              |             |            |            |            | P          | S           |            |            | S          |             |               |            |            | P          | 8.1(N)              |

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|---------------------------------------------------|--------------|-------------|------------|------------|------------|------------|-------------|------------|------------|------------|-------------|---------------|------------|------------|------------|---------------------|
| Recycling Collection Center                       |              |             |            |            |            |            |             | P          | P          | P          |             |               | P          |            |            |                     |
| Research and Development                          |              |             |            |            | S          |            | S           | P          | P          | P          | S           | S             |            |            |            |                     |
| Restaurant                                        |              |             |            |            | S          | S          | P           | P          | P          | P          | P           | P             |            |            |            | 8.1(TT)             |
| Retail/Convenience Store                          |              |             |            |            |            |            | P           | P          | P          | P          | S           | P             |            |            |            |                     |
| Retail Goods Establishment                        |              |             |            |            |            | S          | P           | P          | P          | P          | P           | P             |            |            |            |                     |
| Retail Sales of Alcohol                           |              |             |            |            |            |            | P           | P          | P          | P          | P           | S             |            |            |            | 8.1(UU)             |
| Salvage, Junk, Wrecking - Yard                    |              |             |            |            |            |            |             |            |            | S          |             |               |            |            |            |                     |
| Second-Hand Store (Thrift, Pawn Store)            |              |             |            |            |            |            |             | S          | P          | P          |             | S             |            |            |            | 8.1(VV)             |
| Self-Storage Facility (Mini-warehouse)            |              |             |            |            |            | S          |             | S          | P          | P          |             | P             |            |            |            |                     |
| Sexually Oriented Business                        |              |             |            |            |            |            |             |            | S          | S          |             |               |            |            |            | 8.1(WW)             |
| Shopping Center                                   |              |             |            |            |            |            | P           | P          | P          | P          | S           | P             |            |            |            |                     |
| Solar Farm                                        |              |             |            |            |            | S          |             |            |            |            |             |               | P          |            |            | 8.1(XX)             |
| Specialty Food Service                            |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            |                     |
| Storage Yard - Outdoor                            |              |             |            |            |            |            |             |            | S          | P          |             |               |            |            |            | 8.1(YY)             |
| Take-out Only Restaurant                          |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            |            |                     |
| Transient Vacation Rental                         |              |             |            |            | S          |            | P           |            |            |            | P           |               |            |            |            |                     |
| Truck Repair                                      |              |             |            |            |            |            |             |            | S          | P          |             |               |            |            |            |                     |
| Utility                                           | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           | P             | P          |            | P          |                     |
| Vehicle Dealership - Enclosed                     |              |             |            |            |            |            |             | S          | P          | P          |             | P             |            |            |            |                     |
| Vehicle Dealership - With Outdoor Storage/Display |              |             |            |            |            |            |             | S          | P          | P          |             | P             |            |            |            |                     |

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|--------------------------------------------------|--------------|-------------|------------|------------|------------|------------|-------------|------------|------------|------------|-------------|---------------|------------|------------|------------|---------------------|
| Vehicle Operation Facility                       |              |             |            |            |            |            |             |            |            | S          |             |               | P          |            |            |                     |
| Vehicle Rental - Enclosed                        |              |             |            |            |            |            |             |            | P          | P          |             | P             |            |            |            |                     |
| Vehicle Rental - With Outdoor Storage/Display    |              |             |            |            |            |            |             | S          | S          | P          |             | P             |            |            |            |                     |
| Vehicle Repair/Service - Major                   |              |             |            |            |            |            |             | S          | P          | P          |             |               |            |            |            | 8.1(ZZ)             |
| Vehicle Repair/Service - Minor                   |              |             |            |            |            |            | P           | P          | P          | P          |             | P             |            |            |            | 8.1(ZZ)             |
| Warehouse                                        |              |             |            |            |            |            |             |            | S          | P          |             | P             | P          |            |            |                     |
| Wholesale Establishment                          |              |             |            |            |            |            |             | S          | P          | P          |             | P             |            |            |            |                     |
| Wind Energy System                               |              |             |            |            |            | P          |             |            |            |            |             |               | P          | S          |            | 8.1(AAA)            |
| Wind Energy System (Private)                     | P            | P           | P          | P          | P          | P          |             |            |            |            |             |               |            |            |            | 9.3(Z)              |
| Wireless / Telecommunications Towers             |              |             |            |            |            |            |             | P          | P          | P          |             |               | P          |            |            | 8.1(BBB)            |
| <b>TEMPORARY USE</b>                             |              |             |            |            |            |            |             |            |            |            |             |               |            |            |            |                     |
| Farmers' Market                                  |              |             |            |            |            | P          | P           | P          | P          | P          | P           | P             |            |            | P          | 8.2(A)              |
| Temporary Contractor's Office                    | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           | P             | P          |            | P          |                     |
| <del>Temporary Mobile Food Sales (Vending)</del> |              |             |            |            |            |            | P           | P          | P          | P          | P           | S             |            |            | P          | <del>8.2(B)</del>   |
| Temporary Outdoor Entertainment                  |              |             |            |            |            | S          | P           | P          | P          | P          | P           | S             |            |            | P          | 8.2(C)              |
| Temporary Outdoor Sales                          |              |             |            |            |            | P          | P           | P          | P          | P          | P           | P             |            |            |            | 8.2(D)              |
| Temporary Outdoor Storage Container              | P            | P           | P          | P          | P          | P          | P           | P          | P          | P          | P           | P             | P          |            |            | 8.2(E)              |
| Temporary Structures (Tents, Offices...)         |              |             |            |            |            |            | P           | P          | P          | P          | P           | P             |            |            | P          | 8.2(F)              |

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( Ord. No. 1453-17 , § 1, 8-8-2017; Ord. No. 1460-17 , § 3, 9-12-2017; Ord. No. 1477-18 , § 1, 9-11-2018; Ord. No. 1478-18 , § 1, 9-11-2018; Ord. No. 1483-18 , § 1, 11-13-2018)

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## **ARTICLE 8. USE STANDARDS**

### **8.1 PRINCIPLE USE STANDARDS**

Where applicable, uses are required to comply with the use standards provided in this Article, whether a permitted or special use, in addition to all other applicable regulations of this Unified Development Code, and Florida Building Code.

- A. **Agriculture.** Agricultural uses are permitted in the Rural-Urban (RU) zoning district only. All structures and other improvements are subject to all other applicable standards of this code:
- (1) Chicken Coops are considered an Accessory Use. Chicken Coop standards are located in 9.1(H).
  - (2) Apiaries are considered an Accessory Use. Apiary standards are located in 9.1(C).
  - (3) Aquaponic and Aquaculture are considered Accessory Uses. Aquaculture and Aquaponic use standards are located in 9.1(D).
  - (4) The keeping of livestock is considered an Accessory Use. Standards associated with the keeping of livestock are located in 9.1(Q).
  - (5) There are no yard requirements for the planting of crops.
  - (6) No food or other products of any plants or livestock may be prepared, processed, or packaged in any district. However, the canning of plants or plant products is permitted as part of any agricultural use.
  - (7) Regulated materials, such as chemicals, fertilizers, and toxins, shall not drain onto adjacent properties, into waterways, or onto public rights-of-way. Chemicals and other flammable materials shall be stored and disposed of in accordance with federal and state requirements. If stored on-site, such chemicals or flammable materials shall be kept in waterproof containers in a locked structure when unattended.
  - (8) A sign containing the contact information for the agricultural use operator shall be posted at or within five (5) feet of the front lot line. Such signs shall not exceed a height of eight (8) feet and shall not exceed two (2) square foot in area.
  - ~~(9) Retail sales from an agricultural use are prohibited.~~
- B. **Airport, Heliport, and Helipad.**
- (1) All facilities must comply with all Federal Aviation Administration requirements. All documentation must be submitted as part of a zoning application and prior to issuance of a building permit.
  - (2) Any structures for such facilities must be set back a minimum of 50 feet from any residential district lot line.
  - (3) Height limitations near airports; nonconforming uses, structures or trees.
    - a. No existing use, structure or tree may be extended, expanded or enlarged so as to encroach into any portion of the approach zones, horizontal zones, or conical zones, nor shall any existing use, structure or tree be permitted to encroach into any of the aforesaid zones.

- b. Any use, structure or street existing at the date of adoption of the ordinance from which these regulations are derived and which extends into any approach zone, horizontal zone or conical zone of an existing airport shall be considered nonconforming and may not further encroach into any of the aforesaid zones.
  - c. Where any use, structure or tree which shall be in existence on the date of which a proposed airfield or airport shall be approved and where such use; structure or tree extends into the approach zones, horizontal zones or conical zones of such an airport, such use, structure or tree shall be considered nonconforming as of the date specified in subsection (b) of this section and shall be in no way expanded to further encroach into the aforesaid zones.
- (4) Airport hazards prohibited; nuisance declared. It is hereby found that an airport hazard endangers the lives and property of airport users and land occupants in its vicinity and also, the obstruction type, in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared that:
- a. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question.
  - b. It is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented.
  - c. Preventing airport hazards should be accomplished, to the extent legally possible, by the exercise of the city's police power, without compensation.
  - d. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights there over.
- (5) Additional hazards; interference with plane or airport systems and operations prohibited.
- a. Uses within two miles of any airfield runway shall conform to the performance standards established herein.
  - b. No electrical use or operation shall be permitted that interferes with the instrument control or landing operations of planes or of radar, radio or ground control approach systems for said airport.
- C. **Amusement Facility.** The following standards apply to both indoor and outdoor amusement facilities:
- (1) An indoor or outdoor amusement facility shall submit the following impact management plans, for review:
    - a. A noise abatement plan.
    - b. A security and operation plan. The security plan shall include the provision of exterior security cameras.
  - (2) If a restaurant, or other applicable uses are allowed within the zoning district, such uses may be included as part of an indoor or outdoor amusement facility as long as separate approval is obtained for ~~the each~~ each allowable use.
- D. **Animal Care Facility, Animal Shelter, and Commercial Breeder.** The following standards apply to all animal care facilities, animal shelters, and commercial breeders. However, animal shelters operated by a public agency are exempt from these standards.

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- (1) Exterior exercise areas must be located in the interior side or rear yard. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against weather.
  - (2) The permitted hours for outdoor activities for an animal care facility are between 9:00 a.m. and 6:00 p.m.
  - (3) All overnight boarding facilities must be located indoors. Outdoor boarding facilities for commercial breeders are permitted but must be designed to provide shelter against weather.
  - (4) All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
  - (5) A fence a minimum of six feet and a maximum of seven feet in height is required for all exterior exercise areas and any outdoor boarding quarters.
  - (6) Compliance with noise and prohibited nuisance regulations is required at all times.
- E. **Automated Teller Machine—Standalone.** The following regulations for a standalone Automated Teller Machines (ATM) do not apply to financial institutions that typically provide services by Automated Teller Machines, whether drive-through or walkup.
- (1) A drive-through standalone Automated Teller Machine (ATM) is subject to the following standards:
    - a. A drive-through standalone ATM is permitted only when a drive-through facility is allowed within the district and separate approval is obtained for the drive-through facility, including compliance with all standards for a drive-through facility.
    - b. The drive-through lane must provide a minimum of four stacking spaces.
  - (2) A walk-up standalone Automated Teller Machine (ATM) may not encroach into the public right-of-way.
- F. **Bar/Tavern.** All bars require site plan review by the Planning Department. In cases where special use approval is also required, site plan review will be conducted concurrently by the Board of Adjustment.
- (1) All bars shall conform to the requirements of the City of Milton Code of Ordinances.
  - (2) In addition to site plan requirements, the following elements of operation will be considered:
    - a. The size, location, and configuration of the establishment.
    - b. Days and hours of operation.
    - c. Maximum occupancy loads.
    - d. A noise abatement plan, including any plans for outdoor areas.
    - e. A security plan.
    - f. Exterior lighting design.
  - (3) If outdoor seating is part of the establishment, the site plan must include the total floor area of outdoor seating, and the general location of seats, tables, and other furniture proposed for outdoor seating.
  - (4) If the bar plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the site plan and its additional elements, as required by this section, must be updated and resubmitted for approval. Revised plans must be approved prior to the issuance of any permits.

G. **Bed and Breakfast.**

- (1) The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building line.
- (2) Cooking facilities are prohibited in individual guest rooms.
- (3) Leasing of a common dining area for social events is only permitted when appropriate parking and facilities are provided as determined by the Planning and Development Department~~prohibited~~. No ~~retail sales are permitted~~ spaces should be exclusively devoted to retail sales.
- (4) Breakfast must be served to guests, at a minimum. ~~Meals may only be served to registered guests~~.
- (5) Guest stays are limited to a maximum of 30 consecutive days.
- (6) Bed and breakfasts are limited to a maximum of six (6) guests.
- (7) One sign, either freestanding or wall, is permitted. Such sign may not exceed eight square feet and if free standing, is limited to five feet in height.

H. **Benevolent Distribution Center.**

- (1) If food is served for consumption on premise the provision of an internal dining area(s) which meet all applicable local and State regulations, is required.
- (2) Distribution activities shall only be permitted in the rear yard.

I. **Boardinghouse/Lodging house.**

- (1) No more than one boardinghouse per individual tract, parcel, or platted lot is allowed.
- (2) Boarding/Lodging houses shall conform to all applicable local and State regulations.
- (3) All sleeping rooms shall have a minimum of 80 square feet for one occupant, 140 square feet for two occupants, plus an additional 60 square feet for each additional occupant.
- (4) Entry access to all sleeping rooms shall be through the interior of the building.
- (5) No cooking is permitted in any sleeping room.
- (6) A fully-equipped restroom must be provided for each five (5) residents.

J. **Boat House/Dock.** Boathouses are considered an accessory use. The boathouse standards are located in Subsection 9.3(E).

K. **Boat Ramp/Pier.** Boat ramps and/or piers shall be constructed and operated in conformance with all local, state, and federal regulations.

L. **Boat Rental Facility.** – Add use standards such as storage requirements

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L. **Body Modification Establishment.** A body modification establishment shall operate in conformance with the following standards:

- (1) All body modification establishments shall conform to all applicable local, state, and federal regulations.
- (2) Adequate security and lighting shall be provided to ensure the safety of customers and personnel at all times.
- (3) There shall be no sale or concession of any food and drinks, prepackaged or otherwise, on the premises.

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M. **Broadcasting Facility TV/Radio.** Broadcasting Facilities shall conform to the standards as identified below in Subsection 8.1(HH).

N. **Campground and Recreational Vehicle (RV) Park.**

- (1) *Area.* The following requirements shall be required of campgrounds and recreational vehicle parks:
  - a. Campgrounds and recreational vehicle parks shall contain at least five acres in area.
- (2) *Buffers.* A buffer of 25 feet in width shall be provided and maintained around the perimeter of the campgrounds and recreational vehicle parks, except where walks and drives penetrate the yard. Such buffer shall not be considered to be part of an abutting space.
- (3) *Space size.* Each recreational vehicle space shall contain at least 1,500 square feet in area.
- (4) *Roadways.* Each space in a campground or recreational vehicle park shall abut at least 15 feet on a roadway within the boundary of the campground or recreational vehicle park which shall have unobstructed access to a public street. Such roadways shall have unobstructed right-of-way of at least 30 feet in width for two-way drives and at least 20 feet in width for one-way drives. Turning radii at entrances and exits to public roads shall be designed to accommodate recreational vehicle requirements.
- (5) *Recreational area.* A recreational area shall be provided equivalent to:
  - a. In campgrounds and recreational vehicle parks 1,000 square feet per space. Such recreation space shall be maintained in a clean and presentable condition. In some cases, the development approval authority may consider allowable commercial outdoor recreation facilities to meet part of this requirement.
- (6) *Density.* The following density limitations shall be applied to campgrounds and recreational vehicle parks:
  - a. Campgrounds shall contain a maximum of ten recreational vehicle spaces, tent spaces or cottages per gross acre; and
  - b. Recreational vehicle parks shall contain a maximum of 15 spaces per gross acre.
- (7) *Setbacks.* No part of any recreational vehicle, tent or cottage or addition thereto shall be placed within 7½ feet of any space line, nor shall same be located within 15 feet of any accessory or service building. Tents may be exempt from this provision.
- (8) *Space markers.* Each recreational vehicle space or tent space shall be clearly identified by steel corner markers to be flush with the ground and visible.
- (9) *Permanent additions.* Permanent additions to recreational vehicles, or tents, such as Florida rooms, shall not be permitted.
- (10) *Driveways.* Driveways shall be provided to each space; such driveways shall be at least 12 feet wide.
- (11) *Firefighting system.* Firefighting systems are required in campground and recreational vehicle parks and must be approved by the fire department if located within a fire district. When a campground or a recreational vehicle park is not located within a fire district, such firefighting systems must be approved by the Florida Life Safety Code officer.
- (12) *Water and sewer.* Each campground and recreational vehicle park shall provide an adequate and safe water supply and an adequate and safe method of sewage collection, treatment and disposal as required by the local development approval authority, county, and state department

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of environmental protection. Whenever municipal or public water or sewer systems are available to the campground or recreational vehicle Park, such systems shall be used.

- (13) *Sewage dumping stations.* Each recreational vehicle park which does not provide individual sewer connection to each recreational vehicle site shall provide an easily accessible sanitary sewage dumping station approved by the county and state department of environmental protection. Such dumping station shall have sewer connections at a ratio of one for every 200 recreational vehicle spaces or fractional part thereof for the disposal of liquid wastes from the sewage holding tanks of vehicles. Such stations shall be screened by walls or landscaping at least four feet in height and 75 percent opaque and shall be separated from any vehicle site or accessory building by a distance of no less than 50 feet.
- (14) *Water outlets.* In each recreational vehicle park there shall be no less than one running water spigot for every two recreational vehicle or tent spaces.
- (15) *Electricity.* In recreational vehicle parks each space shall be provided with at least one electrical receptacle having a minimum of 110/115 volt alternating current.
- (16) *Occupancy.* No operator or owner of a campground or recreational vehicle park shall permit permanent occupancy by patrons in such campground or Recreational Vehicle Park. Permanent occupancy shall be construed as continuous usage of the campground/park facilities for more than six months. Nothing in this provision shall be construed as to prohibit permanent occupancy by a resident caretaker/operator of the facility.

O. **Car Wash.**

- (1) Car wash facilities must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall.
- (2) The site must be graded to drain away from adjoining properties.
- (3) All wash-water generated from the car wash must either:
  - a. Be recycled;
  - b. Secure a Commercial Wastewater Discharge Permit if discharging into the City's Sewer System; or
  - c. Meet the requirements of the City of Milton if discharging into the storm sewer system.

P. **Cemetery.** Cemetery grounds and appurtenant structures shall conform to all local and state regulations and shall adhere to the following:

- (1) A new cemetery and/or mausoleum shall be located on a site a minimum of five (5) acres, and enclosed by a masonry or iron fence, or a combination of masonry and iron fence, or a wall not less than four (4) feet in height along all property lines.
- (2) New Cemeteries and mausoleums are permitted the following accessory uses: a storage building for the storage of maintenance equipment used in maintaining cemeteries, a caretaker's house, an administrative office, a crematorium, and a chapel.
- (3) The yard requirements of the zoning district are applicable to cemeteries. However, any yard abutting a residential district shall be a minimum of twenty (20) feet.

Q. **Community Garden.**

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- (1) Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation, but playground equipment is prohibited.
  - (2) Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted.
  - (3) Accessory structures and uses for the raising of chickens, fish, and bees are permitted so long as all such structures comply with the accessory structure requirements of Article 9. No other livestock is permitted.
  - (4) Farm-stands are permitted and are limited to sales of items grown at the site. Farm-stands must be removed from the premises or stored inside a structure on the premises during that time of the year when the use is not open to the public. Only one farm-stand is permitted per lot. The farm stand must meet the district setback requirements.

R. **Community Residential Home.**

- (1) Shall conform to all local and State regulations.
- (2) Shall conform to the applicable Zoning Districts' dimensional and design standards.
- (3) Small Community Residential Homes and Adult Family-Care Homes shall not detract from the surrounding residential uses and shall maintain the appearance of a single family residential dwelling.
- (4) Parking and landscape standards shall be maintained.

S. **Contractor Office.**

- (1) Contractor Office Space shall conform to the applicable Zoning District dimensional and design standards.
- (2) Contractors Office Space with Storage shall also conform to the applicable district standards but shall also adhere to the following:
  - a. Contractor storage yards shall have a minimum ten-thousand (10,000) square feet of lot area.
  - b. All outdoor storage shall comply with the screening and buffering requirements of this Code.
  - c. All outdoor storage areas shall be located in the rear yard only. All structures shall be located towards the front of the lot, but must comply with the front yard requirements of the underlying zoning district.
  - d. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage, erosion, and dust control are provided.
  - e. Storage of chemicals and or hazardous materials shall conform to all local, state, and federal regulations.

T. **Convention Center.** Convention Centers shall conform to the Amusement Facility standards as provided in Subsection 8.1(C).

U. **Country Club.** Shall conform to the applicable underlying zoning district standards.

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- V. **Cultural Facility.** Shall conform to the applicable underlying zoning district standards.

When located in or adjacent to a residential district, the hours of operation are limited to 8:00 a.m. to 10:00 p.m., Sundays—Thursdays and 8:00 a.m. to 12:00 a.m. Fridays and Saturdays.

- W. **Day Care Center and Day Care Home.**

- (1) Each day care must comply with all applicable state and federal regulations.
- (2) The operator of a day care must be licensed by the state.
- (3) A day care home must maintain its original appearance as a residential dwelling.
- (4) A day care center must provide a pickup/drop off area. When a day care center is part of a multitenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

- X. **Drive-Through Facility.**

- (1) All drive-through facilities must provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement must be taken from the building wall.

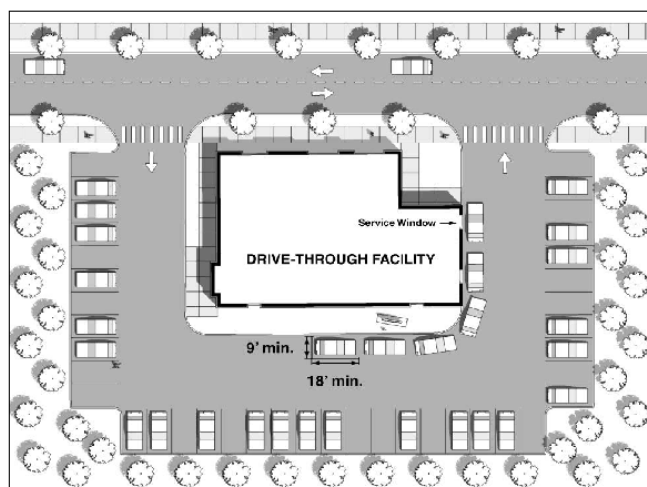


Figure 8.1.1. Drive-Through Facility Diagram

- b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu-board). Spaces must be placed in a single line behind each lane or bay.

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- (2) All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
  - (3) Drive-through facilities must be screened along interior side and rear lot lines with a solid wall or privacy fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall. This standard does not apply to drive-through facilities within multi-tenant retail centers.
  - (4) A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of 10 feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

**Y. Dwelling—Above the Ground Floor.**

- (1) Exterior entrances from a public sidewalk or common open space are permitted for apartment or condominium units on the ground floor. These entrances shall be raised from the finished ground floor level of the sidewalk and shall appear to be designed as townhouses.
- (2) Multi-family apartment and condominium uses above the ground floor shall have interior unit entrances unless:
  - a. Exterior stairs are permitted for access to second floor units only if they are oriented towards a central plaza not visible from any street.
  - b. All ground floor residential entrances shall be covered or inset with distinct architectural detail.

**Z. Dwelling—Accessory Dwelling Unit.** Accessory dwelling unit standards are identified in Subsection 9.3(K).

**AA. Dwelling—Manufactured Home.** Manufactured homes shall conform to the standards identified in Subsection 6.

**BB. Dwelling—Other.** Single Family—Multi Family shall conform to the standards identified in Article 6.

**CC. Dwelling—Fraternity/Sorority.**

- (1) Shall conform to all local and state regulations.
- (2) The number of occupants residing in a fraternal or sororal house shall be in accordance with Fire and Life Safety Codes.

**DD. Gas Station.**

- (1) All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 20 feet from interior side and rear lot lines.
- (2) The minimum distance between the canopy and the curb line must be 10 feet, and 15 feet from any interior side lot line.
- (3) Motor vehicle repair is permitted as part of a gas station use. However, repair work is limited only to minor repair work, such as tire or tube repairing and battery changing. Minor repair work does not include replacement of engines, replacement of transmissions, engine tune-ups, brake and muffler repair or replacement, and similar types of work or any body work.

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- (4) All repair work must be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
- (5) The ancillary uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use. The car wash bay must meet the requirements of 6.1(O) above.

**EE. Group Home, and Halfway House.**

- (1) Group homes and halfway houses are subject to all local and federal regulations, and the regulations of the Florida Administrative and Building Codes.
- (2) Group homes and halfway houses must be located no closer than 1,320 feet from any other existing group home or halfway house, as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other of the same use is located. Any existing group homes and halfway houses as of the effective date of this Code that do not meet the spacing requirement are deemed conforming. Such deemed conforming status is terminated when the group home ceases to operate for a period of ninety days or when any required licenses are revoked or not renewed. A group home is not considered to cease operations when it is closed for renovations in conjunction with a lawfully issued building permit.
- (3) The location, design, and operation of a group home or halfway house must not alter the residential character of the structure.

**FF. Farmers' Market. –**

- (1) The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the development order or temporary use permit, as applicable.
- (2) A management plan is required as part of the application that demonstrates the following:
  - a. The on-site presence of a manager during hours of operation who directs the operations of vendors participating in the market.
  - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
  - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - d. Provision for waste removal.
  - e. The days and hours of internal operation, including vendor set-up and take-down times.

**Use temporary use standards for Farmers' Markets**

**GG. Fast Food Restaurant – Add use standards such as drive-thru requirements**

**HH. Heavy Retail, Rental & Service – Add use standards**

**FF. Home Occupation.**

- (1) *Requirements.* Home occupations shall conform to the following:
  - a. No person other than family members residing on the premises shall be engaged in such occupation;
  - b. The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;

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- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one sign shall be permitted, not exceeding two square feet in area, non-illuminated. The location of the sign shall be approved by the Planning and Development Department;
  - d. No home occupation shall occupy more than 25 percent of the floor area of the dwelling unit, exclusive of the area of any open porch or attached garage, accessory structure or similar space not suited or intended for occupancy as living quarters;
  - e. No traffic shall be generated by such home occupation in greater volumes than would normally be generated by a residential use, and no commercial vehicle may be parked in the public right-of-way;
  - f. No equipment or process shall be used in such home occupation which creates noise, vibration, glaze, fumes, odors, or electrical interference detectable off the premises by normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises;
  - g. The giving of art, piano or other instructions or lessons shall be limited to no more than four persons at the same time;
  - h. Fabrication of articles such as are commonly classified under the terms of arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of these provisions and provided no retail sales are made at the dwelling unit;
  - i. The storage, maintenance, repair or transport of construction equipment in excess of ten horsepower shall not be allowed as a home occupation; and
  - j. Accessory buildings may be used in connection with a home occupation; provided none of the items listed in this subsection are violated.

**\*\*. Hotel/Motel**

**GG. Industrial—Artisan, Design and Lite Manufacturing.**

- (1) External or outside storage is prohibited in the R-C1 district and shall be screened and or fenced in accordance with this code when located in any other district.
- (2) The internal processes shall not generate measurable noise outside of any structures or buildings located in the R-C1 or SSC-RC districts and shall conform to the noise and nuisance standards of this code in all districts.

**HH. Live Entertainment—Ancillary Use, Live Performance Venue, or Nightclub.** Live entertainment—ancillary use, live performance venue, or nightclub requires site plan review. Where special use approval is required, the site plan review will be conducted concurrently.

- (1) Live entertainment—Ancillary use is considered a separate principal use. Live entertainment - ancillary use may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar, restaurant, amusement facility, or arts studio.
- (2) In addition to site plan requirements, the following elements of operation will be considered:
  - a. The size of the establishment and the size, location, and configuration of the live entertainment area within the establishment.
  - b. Days and hours of operation of the nightclub.

- c. For live entertainment—ancillary use, the days and hours of operation for the establishment's general operations as a principal use, and the anticipated days and hours of operation for the live entertainment component.
- d. Maximum occupancy loads.
- e. A noise abatement plan that describes the soundproofing measures to be undertaken.
- f. A security plan.
- g. For live performance venues, all loading areas.
- (3) If the live entertainment—ancillary use, live performance venue, or nightclub plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the site plan and its additional elements, as required by this section, must be updated and resubmitted for approval. Revised plans must be approved prior to the issuance of any building permit.
- (4) All uses including the sale of alcohol or an element relating to a Bar or Tavern require site plan review by the Planning Board. In cases where special use approval is also required, site plan review will be conducted concurrently.
  - a. Such uses shall conform to all local and state regulations.
  - b. Such uses shall conform to 8.1(F), above.

II. **Lodge/Meeting Hall.**

- (1) No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
- (2) Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only.
- (3) Sleeping facilities are prohibited.
- (4) Lodges/meeting halls leased or used as reception halls must comply with the requirements for reception halls.

**\*\*.** Marina.

(JJ) **Medical Marijuana Treatment Center.**

- (a) Purpose. It is the intent and purpose of this section to determine criteria for the location and other permitting requirements for, medical marijuana treatment centers.
- (b) Definitions. For purposes of this section the following terms shall have the following meanings:
  - (1) *Medical marijuana* means marijuana (as defined in Section 29, Article X of the Florida Constitution), that may be legally cultivated, produced, dispensed and used under applicable Florida law, including medical marijuana statute/rules (as defined below).
  - (2) *Medical marijuana statutes/rules* means all provisions of Florida Statutes and the Florida Administrative Code that authorize or regulate the cultivation, production, dispensing or use of medical marijuana. As of the effective date of this Ordinance, Section 381.986, FS (2017), and Chapter 64-4 FAC, are the only medical marijuana statutes/rules, but the City anticipates that additional medical marijuana statutes/rules will be adopted, or the foregoing statute and rules amended, to implement Section 29, Article X of the Florida Constitution; this phrase shall refer to any such implementing provisions.
- (c) Generally, A medical marijuana treatment center shall be a permitted use in the C-1, C-2, and C-3 zoning districts and the R-CI, D-CM, and SSC-RC zoning districts by Special Exception subject to the following criteria:

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- (1) No medical marijuana treatment center may operate until an application for such use has been approved by the Planning Department based upon the criteria set forth in this subsection (c).
  - (2) An applicant is subject to the City's code of ordinance and the requirements of medical marijuana statutes/rules to the extent applicable.
  - (3) An application for a medical marijuana treatment center shall include:
    - a) The name of the property owner and tenant (i.e., the medical marijuana treatment center), if the medical marijuana treatment center and property are not owned by the same person or entity.
    - b) A lease identifying the use of the establishment as being consistent with the requirements of the medical marijuana statutes/rules, if the medical marijuana treatment center and property are not owned by the same person or entity.
    - c) A survey sealed by a professional surveyor and mapper who is licensed by the State of Florida. The survey shall indicate the distance between the proposed medical marijuana treatment center and any other use identified in subsection (c)(4) below.
    - d) A security plan that has been approved by the police chief that complies with the provisions of the medical marijuana statutes/rules concerning security of the medical marijuana treatment center and the transportation of medical marijuana and marijuana delivery devices (as defined in the medical marijuana statutes/rules); applicants shall submit schematics and similar documents concerning the specifics of the security plan.
  - (4) A medical marijuana treatment center shall not be permitted:
    - a) Within one thousand three hundred twenty (1,320) feet of another medical marijuana treatment center.
    - b) Within five hundred (500) feet of a school.
  - (5) For purposes of subsection (c)(4) above:
    - a) Distances shall be measured from property line to property line.
  - (6) Loitering:
    - a) A medical marijuana treatment center shall provide adequate indoor seating for its customers, clients, patients and business invitees.
    - b) Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the establishment is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties,
    - c) All pedestrian queuing or loitering at any time, including prior to business hours, outside of an establishment is prohibited.
  - (7) A medical marijuana treatment center shall not have a drive through service aisle. All dispensing and sales of products shall occur inside the building.

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- (8) A medical marijuana treatment center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The ~~preparation, wholesale storage, cultivation, or processing of any form of medical marijuana or medical marijuana product and~~ on-site consumption of any medical marijuana or medical marijuana product is specifically prohibited. On-site storage of any form of medical marijuana or medical marijuana product that is not available for sale is prohibited.
- (9) Any sign for the medical marijuana treatment center shall comply with the requirements of this code and the provisions of the Code of Ordinances of the City of Milton that apply in the pertinent zoning district:
- a) The sign shall identify the name of the medical marijuana treatment center only.
  - b) The sign shall not contain any text referring to marijuana, medical marijuana, cannabis, medical cannabis, pot or similar terms, or any text or pictures that are reasonably likely to be deemed to refer thereto (such as "420," marijuana leaves, joints or pipes).
- (10) Any application for a medical marijuana treatment center approved under subsection (c) above shall terminate, and such use shall be immediately terminated if any one or more of the following occur:
- a) An applicant has provided false or misleading information to the City prior or subsequent to the approval of the special exception;
  - b) Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any medical marijuana or medical marijuana product to an individual or entity not authorized by the medical marijuana statutes/rules to receive such substance or product;
  - c) Any applicant, owner, or manager is convicted of any drug-related crime under Florida Statutes;
  - d) An applicant fails to correct any city code violation within thirty (30) days of notice of the violation from city, or to otherwise provide an action plan to remedy the violation acceptable to the zoning official within thirty (30) days of the notice of violation;
  - e) An applicant fails to correct any state law (including any medical marijuana statute/rule) violation or address any warning in accordance with any corrective action plan required by the state within the timeframes and completion date the applicant provides to the City;
  - f) An applicant's approval as a medical marijuana treatment center under the medical marijuana statutes/rules is revoked, or the applicant no longer is approved as a dispensing organization under the medical marijuana statutes/rules; or
  - g) An applicant is not in compliance with the medical marijuana statutes/rules.
- (d) Transfer of approval of medical marijuana treatment center is prohibited.
- (1) ~~Approval of an application for a medical marijuana treatment center shall not be transferred to a new owner, or possession, control, or operation of the establishment surrendered to such other person.~~

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- (2) Approval of an application for a medical marijuana treatment center, a business tax certificate is particular only to the approved location and shall not be transferred to another location.
  - (3) An attempt to transfer an approval for a medical marijuana treatment center either directly or indirectly in violation of this subsection (d) is hereby declared void, and any attempt to so transfer such approval shall be deemed an abandonment of such approval, whereupon the medical marijuana treatment center shall no longer be permitted (unless a new application for approval under subsection (c) above is obtained).

**KK. Micro-Brewery/Distillery/Winery.**

- (1) ~~Micro-Breweries, Distilleries, and Wineries permitted within the R-C1 shall only be allowed as a component of a restaurant use.~~
- (2) Limited distribution shall be permitted at locations within the R-C1, subject to site limitations.

**LL. Neighborhood Market.**

- (1) There shall be no outdoor or open-air display of goods or merchandise at any time for neighborhood markets that are adjacent to existing residential uses.
- (2) Parking shall be restricted to the rear and side yards only.
- (3) Sales of beer and wine for off premises consumption shall be allowed.
- (4) Additional Lighting, Signage, and Screening standards may apply dependent upon site and development character.

**MM. Outdoor Dining.**

- (1) Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
- (2) Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
- (3) Outdoor dining areas must be located on private property unless otherwise approved by the City.
- (4) An outdoor dining area for an establishment must be as continuous as possible.
- (5) When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of 25 feet from the required build-to line.

**NN. Pain Management Clinic. – Add use standards**

**NN. Parking Lot and Parking Structure (Principal Use).** All parking structures and parking lots are subject to the Parking, Landscaping, and applicable Access standards of this Code as well as the following standards:

- (1) *Parking Structure.*
  - a. On portions of the ground floor façade along public streets where parking spaces are visible, a decorative fence or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.
  - b. For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening of parked vehicles.

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- c. Where parking structures front on public streets, façade design and screening must mask the interior circulation ramps and create the illusion of horizontality along the street.
- d. Parking structures must be designed to minimize blank façades through architectural detailing, massing, and landscape.

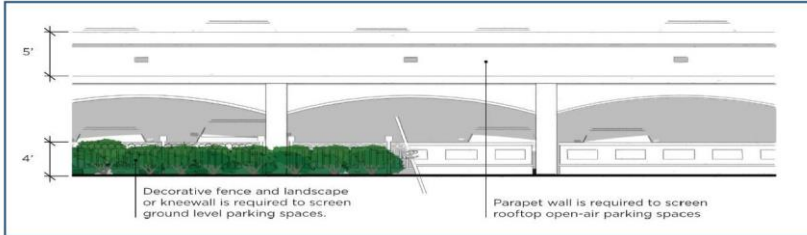


Figure 8.1.2. Parking Structure Requirements

(2) *Parking Lot.*

- a. A parking lot must be used solely for the temporary parking of motor vehicles and cannot be used as an off-street loading area.
- b. Only structures for the shelter of attendants or for payment kiosks are permitted in a parking lot. Shelters or kiosks must not exceed ten feet in height and 50 square feet in area.
- c. The parking lots must be screened and landscaped in accordance with the requirements of Article 11.

OO. **Pay Day/Title Loan Agency.**

- (1) Pay day/title loan agencies shall not be located closer than 1,320 feet from any other existing pay day/title loan agencies, regardless of the zoning district, as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
- (2) Any existing pay day/title loan agency as of the effective date of this Code that does not meet the spacing requirement is deemed conforming.
- (3) If the use is abandoned for a period of 90 days or more it cannot be reestablished unless it is in conformance to the separation requirements found here.

PP. **Pharmacy, to include Drive-Through Pharmacy.**

- (1) A new pharmacy shall be separated from an existing pharmacy by 1,320 feet from property boundary line to property boundary line, unless the existing pharmacy is co-located in a medical complex or hospital.
- (2) A new pharmacy shall be separated, regardless of political boundary, from an existing pain management clinic by one-half mile measured from property boundary line to property boundary line.
- (3) A certified survey from a land surveyor registered in the State of Florida displaying the distance in linear feet between a pharmacy and a pain management clinic or between pharmacies shall be submitted with a certificate of use application and fee in order to establish compliance with this section.

QQ. **Private Stable.** Private Stables are considered an Accessory Use and shall conform to the standards identified in Subsection 9.2(Q).

RR. **Reception Facility.**

- (1) A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
- (2) All main activities, such as dining and entertainment, must be held within a completely enclosed building.
- (3) Outdoor seating areas are permitted for the use of guests. If a reception facility conducts main activities outdoors, special use approval is required for the outdoor component of the facility.

SS. **Recycling Collection Center – Add use standards such as visibility requirements**

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SS. **Residential Care and Assisted Living Facilities.**

- (1) Residential care and Assisted Living facilities shall conform to all local, state, and federal regulations.
- (2) When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.
- (3) Residential care and Assisted Living facilities must meet the design standards for multi-family dwellings.
- (4) All parking and landscaping standards shall be maintained.

TT. **Restaurant.** Restaurants shall conform to all local, state, and federal regulations.

UU. **Retail/Convenience Store – Add use standards**

VV. **Retail Good Establishment – Add use standards**

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UU. **Retail Sales of Alcohol.** Retail sales of alcohol require site plan review by the Planning Department and in some cases may require special use approval. When special use approval is required, the site plan review will be conducted concurrently by the board of adjustment.

- (1) All establishments with retail sales of alcohol shall conform to all local, state, and federal regulations.
- (2) In addition to site plan requirements, the following elements of operation will be considered:
  - a. The size, location, and configuration of the establishment.
  - b. Days and hours of operation.
  - c. A security plan.
  - d. Exterior lighting design.

**Retail Vape Shop/Retail Tobacco Stores. – Add use standards**

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**Salvage, Junk, Wrecking Yard. – Add use standards**

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VV. **Second Hand, Thrift, and Pawn Shops.**

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- (1) Open air and/or outdoor display of goods and merchandise shall be allowed subject to the following conditions and limitations:
  - a. No such display of goods shall interfere with ingress or egress to the property.

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- b. Display of goods must not interfere with normal pedestrian passage on the property.
  - c. Display of goods may not be located in any designated parking areas, or within the public right-of-way.
  - d. Outdoor display of goods shall occur only during normal operating business hours.
- (2) Within the SSC-RC and R-C1 Zoning Districts, Thrift stores, pawn shops, and second-hand stores shall be permitted subject to the following conditions and limitations:
- a. That no such use is located on a lot with a property line within a distance of 1,320 feet, measured in a straight line in any direction, of the property line of another lot with the same or similar use, regardless of the zoning district.
  - b. No such use shall be permitted on a lot with or adjacent to a lot that has a residential use.
  - c. All donations of goods or merchandise shall be made and processed within the interior of the primary use structure.
  - d. The use of exterior drop off donation bins or areas shall be allowed in rear or side yards only and shall be screened from view.

**Consignment Shops.**

- (1) Shall be limited to apparel, accessories, home furnishings, and furniture.
- (2) Shall be prohibited from the sale of guns, appliances, mattresses, and motor vehicles.
- (3) Open air and/or outdoor display of goods and merchandise shall be allowed subject to the following conditions and limitations:
  - a. No such display of goods shall interfere with ingress or egress to the property.
  - b. Display of goods must not interfere with normal pedestrian passage on the property.
  - c. Display of goods may not be located in any designated parking areas, or within the public right-of-way.
  - d. Outdoor display of goods shall occur only during normal operating business hours.

**WW. Sexually-Oriented Business.**

- (1) All sexually-oriented businesses with the City of Milton must comply with the regulations of Chapter 8, Article III of the Milton Code of Ordinances.
- (2) All sexually-oriented businesses must be located a minimum of 1,000 feet from any residential district, day care center, educational facility, place of worship, Public Park, or cultural facility.
- (3) A sexually-oriented business must be located a minimum of 1,000 feet from any other sexually oriented business.
- (4) No sexually-oriented business may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public or private right-of-way or any property.

**XX. Solar Farm.**

- (1) Systems, equipment, and structures are limited to the maximum height of the district.
- (2) All solar farm structures must meet the district setbacks [and all applicable state regulations](#).



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- (3) No grid tied photovoltaic system shall be installed until evidence has provided that the owner has been approved by the utility company to install the system.
  - (4) The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more.

**YY. Storage Yard.**

- (1) The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within that setback, one shrub a minimum of three feet in height must be planted linearly every three feet on center along such fence or wall.
- (2) Storage of any kind is prohibited outside the fence or wall.
- (3) No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.
- (4) Any vehicles stored on-site must be stored so that no fluids will drain into the storm sewer system.
- (5) Storage yards shall conform to all local and state regulations.

**Truck Repair – Need to place restrictions on outside storage of vehicles**

**Vehicle Dealership – Enclosed or with outdoor storage/display**

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**ZZ. Vehicle Repair/Service—Major or Minor.**

- (1) Vehicle repair/service establishments may only store vehicles outdoors that have been or are being serviced for a period of time not to exceed 30 days.
- (2) All repair and service operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.
- (3) Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence at least six feet in height. Additional screening requirements may apply.
- (4) No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- (5) The sale of used or new vehicles is prohibited.
- (6) No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

**Warehouse – Add use standards for types of materials stored**

**Wholesale Establishment – Add use standards**

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**AAA. Wind Energy System.**

- (1) A Wind Energy System is permitted in the RU District only.
- (2) The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must

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submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.

- (3) All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
- (4) All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
- (5) All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.
- (6) An engineer's certificate must be completed by a structural engineer, licensed in the State of Florida, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
- (7) Wind turbines must comply with the following design standards:
  - a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
  - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
  - c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
  - d. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
  - e. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
  - f. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
  - g. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.
- (8) The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert having no less than ten years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
- (9) Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

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- (10) Wind turbines must be set back from all structures on a participating property owner's property a distance of no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the occupied building.
  - (11) All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
  - (12) All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
  - (13) The facility owner or operator must comply with all applicable Codes and Codes regulating sound generation. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.
  - (14) A wind turbine's shadow flicker must not fall on any window of an existing structure or within the buildable area of an adjacent lot, as defined by current setback requirements.
  - (15) The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

**BBB. Wireless Telecommunications.**

- (1) *Findings.* The Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996, collectively referred to as the "Act," grants the Federal Communications Commission exclusive jurisdiction over:
  - a. The regulation of the environmental effects of radio frequency emissions from communications towers and/or communications antennas facilities; and
  - b. The regulation of radio signal interference around users of the radio frequency spectrum.
    - 1) The city's regulation of communications towers and/or communications antennas cannot have the effect of prohibiting any person from providing wireless telecommunications services. This section shall be construed and interpreted in a manner which avoids such effect.
- (2) *Scope.*
  - a. This section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator.
  - b. The provisions of this section shall supersede all conflicting requirements of other city ordinances regarding the location and permitting of communications antennas and communications towers.

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- c. The provisions of this section shall not apply to communications towers and/or communications antennas to the extent determined by the city council to be necessary for the provision of an essential service.
  - d. Communications towers and communications antennas may be located upon any property or structure owned by the city, however, the city council shall authorize the usage of the property after the applicant executes a lease agreement acceptable to the city.
- (3) *Application Requirements.* All communications towers and/or communication antennas shall be subject to all requirements of this section. As a condition to constructing or erecting a communications antenna or a communications tower, an owner must submit and obtain approval of an application. The following information shall be included in all applications and must be certified under oath by the applicant as being true, correct and complete:
- a. The name, address and telephone number of the owner and lessee of the parcel of land upon which the communications tower and/or communications antenna is proposed to be situated. If the applicant is not the actual owner of the parcel of land upon which the communications antenna is proposed to be situated, the written consent of the actual owner shall be evidenced in the application;
  - b. The legal description, parcel identification number and address of the parcel of land upon which a communications tower and/or communications antenna is proposed to be located;
  - c. The names, addresses and telephone numbers of all owners of other communications towers or usable antenna support structures within a one-half-mile radius of the proposed tower site;
  - d. A scaled site plan clearly indicating the:
    - i. Tower and/or antenna site, whichever is appropriate;
    - ii. Height of the proposed tower and/or antenna;
    - iii. Location of any accessory buildings;
    - iv. On-site land use and zoning;
    - v. Adjacent land uses and zoning;
    - vi. Adjacent roadway;
    - vii. Proposed means of access;
    - viii. Distances from property lines; and
      - 1) An elevation drawing of the proposed tower and/or antenna with antenna support structure along with a certification of the elevation of the existing grade;
  - e. A current aerial as maintained by the county property appraiser's office, showing the location of the proposed communications tower and surrounding properties;
  - f. A map of the city and the first half mile of all bordering areas showing the design and location of the applicant's entire existing wireless telecommunications network. Such map shall also show the location of the proposed communications tower and communications antenna sites which are the subject of the application, their dimensions, and specifications of the site;

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- g. Distances of the proposed communications tower from nearest occupied structure and residentially zoned property, platted residential properties, or un-platted residential properties shown on a current aerial;
  - h. Written evidence that the communications tower and communications antenna are in compliance with Federal Aviation Administration regulations. Where a communications antenna will not exceed the highest point of an existing structure upon which it is to be mounted, such evidence shall not be required;
  - i. If the applicant is not collocating on another communications tower, written documentation that the applicant:
    - i. Made diligent, but unsuccessful, efforts for a minimum of 90 days prior to submission of the application to install or collocate the applicant's communications antennas on: 1. existing communications towers or existing useable antenna support structures located within a one-half-mile radius of the proposed communications tower site; or 2. communications towers or usable antenna support structures located within a one-mile radius of the proposed communications tower site which, although not currently in existence, have been permitted by appropriate governmental regulatory bodies and are reasonably expected to be constructed within six months from the date of the application; or
    - ii. Written, technical evidence from an engineer that the proposed communications antenna cannot be installed or collocated on another existing or permitted communications tower or existing or permitted usable antenna support structure located within a one-mile radius of the proposed communications tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system;
  - j. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the state, which through rational engineering analysis certifies the tower's compliance with the applicable standards set forth in the EIA/TIA 222-F Standard, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable city and county building codes. For all communications towers and communications antennas attached to an existing structure, the statement shall include a certification that the structure can support the load superimposed from the tower and antenna;
  - k. Written, technical evidence from an engineer that:
    - i. The proposed communications tower and/or communications antenna, whichever is appropriate, meets the standards set forth in this section;
    - ii. The proposed site of the communications tower and/or communications antenna, whichever appropriate, does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials;
    - iii. The proposed site of the communications tower and/or communications antenna, wherever appropriate, is adequately protected against and does not pose a risk of explosion, fire or other danger due to lightning strikes; and
    - iv. Construction and placement of the communications tower and/or communications antenna, whichever appropriate, will not interfere with public

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safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties.

- I. Certification from an engineer documenting the collocation capability of an applicant's proposed communications tower.

(4) *Communications Tower Regulations.*

- a. A communications tower may be located on a lot used for other principal uses on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be considered as the tower site. The tower site, but not the entire lot, shall be subject to all the requirements of this section, except as specifically provided.
- b. Single-use communications towers shall not exceed 150 feet in height as measured from existing grade at the tower base. Communications towers that have collocation ability shall not exceed 180 feet in height as measured from existing grade at the tower base.
- c. Communications towers are permitted only in the following zones: C-1, C-2, C-3. Towers are prohibited in all residential zones.
- d. Communication towers shall not be placed in the front or side yard of any residence or business. F.C.C. licensed commercial and amateur radio operators and television stations shall not be included in the side yard prohibition. Security fencing of communication towers shall be required.
- e. A communications tower shall be deemed to have collocation ability if its design is certified by the engineer as being appropriate for collocation and the applicant certifies that he is prepared to offer adequate space on the tower to others on commercially fair and reasonable terms. An applicant's offer or willingness to offer adequate space on the tower for collocation may be subject to the following factors:
  - i. Structural engineering capabilities, taking into account planned future use by the applicant and municipal emergency services;
  - ii. Radio frequency intermodulation acceptance; and
  - iii. The willingness of other CMRS licenses wishing to collocate on the applicant's tower to accept commercially reasonable rates and terms.
- f. All communications towers shall be separated from all residentially-zoned lands and any occupied structure by a minimum of 200 feet, or a distance equal to 100 percent of the height of the proposed communications tower, plus 50 feet, whichever is greater. The tower separation distances, for purposes of compliance with this section, shall be measured from the center of the base of the communications tower to the lot line of the residentially-zoned land or the lot line of the occupied structure, whichever appropriate.
- g. Communications antennas attached to communications towers are exempt from the setback standards of this section and from setbacks for the zone in which they are located. However, such communications antennas shall not be extended more than five feet horizontally beyond the vertical plane of the outer edge of the communications tower.
- h. Proposed communications towers shall be separated from all other existing communications towers by a minimum of one-half mile as measured from the center base of the communications tower.
- i. Towers shall be lighted as required by the Federal Aviation Administration. Further, unless prohibited by the Federal Aviation Administration, communications towers for which

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illumination is not otherwise required by the Federal Aviation Administration shall have a beacon light placed at the top of the tower. To the extent allowed by the Federal Aviation Administration, all lighting and beacons upon a tower which, at the time of the commencement of construction, are located within a distance of 300 percent of the tower height from a residential use or residential-zoned property shall be erected with shields mounted underneath the lights or beacons in such a manner as to block the view of the lights or beacons from the ground for a distance from communications towers of 300 percent of the tower height.

- j. Communication towers not requiring Federal Aviation Administration paintings/markings shall have either a galvanized finish or shall be painted a non-contrasting blue, gray, or black finish so as to minimize its visual impact.
  - k. Communications towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties. All communications towers shall be constructed in accordance with EIA/TIA 222-F standards, as published by the Electronic Industries Association, as it may be amended from time to time, and all applicable city and county building codes. Further, any improvements and/or additions to any communications towers, other than routine maintenance, shall require plan submission in accordance with the provision of this section and must demonstrate compliance with the EIA/TIA 222-F standards in effect at the time of such improvements or additions.
  - l. All communications towers must be constructed of approved corrosion-resistant noncombustible material. All communications towers must be permanently and effectively grounded. All communications towers must be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes.
  - m. All proposed communications towers shall comply with current radio frequency emissions standards established by the Federal Communications Commission.
  - n. The use of any portion of a communications tower and its accessory structures for signs or advertising purposes, including the company name, shall be prohibited.
  - o. All accessory buildings or structures shall meet all applicable city and county building codes.
  - p. Mobile or immobile equipment not used in direct support of a communications facility shall not be stored or parked on the site of the communications tower unless such equipment is necessary for repairs to the facility then being made.
  - q. A minimum six-foot fence, as measured from the finished grade, with no less than 85 percent opacity, shall be provided around each tower site. In no case shall the fence exceed eight feet in height. Barbed wire may be used on security fences erected in any commercial or industrial district; provided such use is limited to a minimum of six feet above grade. Access to the tower site shall be through a locked gate.
- (5) *Communications Antennas not located on Communications Towers.*
- a. Communications antennas not located on communications towers may be permitted as an accessory use in the C-1, C-2, C-3, I-1, I-2 zoning districts and in the RC-1 district with approval of the City Council and/or historic preservation board.
  - b. All communications antennas not located on a communications tower shall be of stealth design.

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- c. Communications antennas shall not be artificially lighted, except to ensure human safety or as required by the Federal Aviation Administration.
  - d. Communications antennas not requiring Federal Aviation Administration paintings/markings shall have either a galvanized finished or shall be painted a non-contrasting blue, gray, or black finish to minimize its visual impact.
  - e. Communications antennas shall be designed and constructed to ensure that the structural failure or collapse of the antenna will not create a safety hazard to adjoining properties. All communications antennas shall be constructed in accordance with EIA/TIA 222-F standards, as published by the Electronic Industries Association, as it may be amended from time to time, and all applicable city and county building codes. Further, any improvements and/or additions to any communications antennas, other than routine maintenance, shall require plan submission in accordance with the provisions of this section and must demonstrate compliance with the EIA/TIA 222-F standards in effect at the time of the improvements or additions.
  - f. All proposed communications antennas shall comply with current radio frequency emissions standards established by the Federal Communications Commission.
  - g. The use of any portion of a communications antenna and its accessory structures for signs or advertising proposes, including the company name, shall be prohibited.
  - h. Accessory equipment buildings and structures shall:
    - i. Meet all applicable city and county building codes;
    - ii. Not contain more than 150 square feet of gross floor area or exceed 12 feet in height;
    - iii. Be designed and constructed to blend with the main building; and
    - iv. Not be located on the roof of an existing structure.
      - 1) Mobile or immobile equipment not used in direct support of a communications antenna facility shall not be stored or parked on a site containing a communications antenna, unless such equipment is received for repairs to the facility then being made.
  - i. Communications antennas may not extend more than 20 feet above the highest point of the antenna support structure.
- (6) *Owner's duty to maintain communication tower/antenna; notice of intent to discontinue use.*
- a. Owners of communications towers or antennas shall at all times employ ordinary and reasonable care and shall install and maintain and use nothing less than commonly accepted industry methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
  - b. Owners shall install and maintain communications towers and communications antennas in substantial compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state and local regulations and in such a manner that will not interfere with the use of other property.
  - c. All communications towers and communications antennas shall at all times be kept and maintained in good condition, order and repair so that they shall not menace or endanger the life or property of any person.



d. If the use of a communications tower and communications antenna is discontinued by the owner or if the owner ceases to operate the tower and antenna, the owner shall provide written notice to the city of his intent to discontinue use or cease operations and the date when the use shall be discontinued.

(7) *Abandonment; defined; owner's duty to remove.* A communications tower and communications antenna that is not operated for a continuous period of 200 days shall be considered abandoned, and the owner thereof shall remove the tower and antenna within 90 days of abandonment or discontinuation of use. If such communications tower or communications antenna is not removed within 90 days, the city may remove such communications tower or communications antenna at the owner's expense. If there are two or more users of a single communications tower, this section III-5.18.10 shall not become effective until all users cease using the communications tower or communications antenna.

(8) *Inspections; city authority; costs paid by owner.*

- a. Monopole communications towers for which a certificate of occupancy is issued on or after the effective date of the ordinance from which this section is derived shall be inspected and certified by an engineer every five years as being in conformance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state and local regulations. Monopole towers in existence as of the effective date of the ordinance from which this section is derived shall be so certified within 60 days of such effective date and then every five years thereafter. Lattice or guyed communications towers for which a certificate of occupancy is issued after such effective date of this section shall be inspected and certified by an engineer every two years as being in conformance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state and local regulations. Lattice or guyed communications towers in existence as of such effective date of the ordinance from which this section is derived shall be certified within 60 days after such effective date of this section and then every two years thereafter. All such certifications and inspections shall be made by and at the sole cost of the owner and submitted to the city. A communications tower may be required by the city to be more frequently certified should there be reason to believe that the structural or electrical integrity of the communications tower is jeopardized.
- b. The city and its agents shall have the authority to enter onto the property upon which a communications tower and communications antenna is located between the inspections and certificates required in subsection III-5.18.11(a) to inspect the tower and antenna for purposes of determining whether it complies with all applicable laws and regulations.
- c. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses relating to such inspections by the city shall be borne by the owner.

**CCC. Use of Rights-of-Way by Wireless Communications Facilities.**

(a) *Definitions.* The definitions of all applicable terms shall be as provided in Section 7.2, with the exception that the following terms shall be defined as provided in F.S. § 337.401(7)(b):

- (1) Antenna;
- (2) Applicable codes;
- (3) Applicant;
- (4) Application;
- (5) Authority;

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- (6) Authority utility pole;
  - (7) Collocate or collocation;
  - (8) FCC;
  - (9) Micro wireless facility;
  - (10) Small wireless facility;
  - (11) Utility pole;
  - (12) Wireless facility;
  - (13) Wireless infrastructure provider;
  - (14) Wireless provider;
  - (15) Wireless services;
  - (16) Wireless service provider;
  - (17) Wireless support structure.
- (b) *Generally.* The placement of telecommunication towers and antennae anywhere in the corporate limits of the city shall in all cases be subject to the city's zoning and land use regulations, including those set forth in Part III, the Unified Development Code. Where placement of a wireless antenna in the public right-of-way has been approved by the city and to the extent not inconsistent with any city zoning and land use regulations, a wireless antenna attached to a permitted and legally maintained vertical structure in the public right-of-way, such as a utility pole, shall, unless otherwise agreed to by the city in writing:
- (1) Not extend more than ten feet above the highest point of the vertical structure;
  - (2) Not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
  - (3) Comply with any applicable Federal Communications Commission Emissions Standards;
  - (4) Comply with any applicable local building codes in terms of design, construction and installation; and
  - (5) Not contain any commercial advertising thereon.
- (c) *Rules and regulations.* The City Manager is authorized to administratively promulgate such rules and regulations as may be necessary and appropriate to regulate the placement of wireless facilities and infrastructure in the public right-of-way in conformity with applicable provisions of state law, and to designate such staff as necessary to receive, process and make determinations with respect to applications for the placement of wireless facilities and infrastructure. Such rules and regulations shall be subject to the following criteria:
- (1) The registration fee required of applicants for the placement of wireless facilities and infrastructure shall be reasonably calculated to equal the city's cost of receiving, assessing, determining, awarding, and maintaining records with respect to each application, whether for an individual facility or for multiple facilities covered by a single application, but such fee shall not exceed \$100.00 per placement of each wireless facility.
  - (2) The permit fee for the placement of wireless facilities on poles or other structures owned by the city shall be \$150.00 per facility per year.

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- (3) All fees imposed shall be reasonable and nondiscriminatory and not based upon any services provided by the applicant.
  - (4) All provisions of federal and state statutes, rules and regulations, and the provisions of this Code, pertaining to historic preservation and the historic districts regulated by the city, which have not been preempted or superseded by F.S. § 337.401(7), shall continue to be enforced and shall not be repealed, abated or waived by this section.
  - (5) All applications by small and micro wireless facilities providers and installers to place utility poles and other supporting structures in the public rights-of-way shall be processed in accordance with F.S. § 337.401(6), and shall be subject to the codes, policies, practices, and rules and regulations of the city with respect to the placement of such poles and other supporting structures in the public rights-of-way.
- (d) *Prohibited collocations, attachments, installations, and services.* The provisions of this section do not authorize, and the city hereby prohibits, the following:
- (1) This section does not authorize a person or entity to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a privately owned wireless support structure, or other private property without the consent of the property owner.
  - (2) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section does not authorize the provision of any voice, data, or video services or the installation, placement, maintenance, or operation of any communication facilities other than small wireless facilities in the public right-of-way.
  - (3) This section does not affect any provisions relating to pass-through providers contained in this Code and contained in F.S. § 337.401(6).
  - (4) This section does not authorize a person or entity to collocate small wireless facilities or micro wireless facilities on a city utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This subsection does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

( Ord. No. 1445-17 , § 1, 7-11-2017; Ord. No. 1454-17 , § 1, 8-8-2017; Ord. No. 1460-17 , § 4, 9-12-2017; Ord. No. 1960-21 , § 1, 3-9-2021)

## 8.2 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Code. These regulations are for temporary uses located on private property. Unless otherwise indicated, all temporary uses require a temporary use permit, which must be applied for by and issued to the property owner.

All Temporary Use Permits shall conform to the regulations identified in Chapter 14, Article II of the City of Milton's Code of Ordinances.

### A. Farmers' Market.

- (1) The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the [development order or](#) temporary use permit, [as applicable](#).

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- (2) A management plan is required as part of the ~~temporary use permit~~-application that demonstrates the following:
- The on-site presence of a manager during hours of operation who directs the operations of vendors participating in the market.
  - An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
  - A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - Provision for waste removal.
  - The days and hours of internal operation, including vendor set-up and take-down times.

**B. Temporary Mobile Food Sales.**

- Chapter 36 of the City of Milton's Code or Ordinances establishes time frame and location criteria.
- All mobile food vending establishments must be properly licensed by the Health Department.
- Sale of alcohol is prohibited.
- During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.
- Outdoor seating may be provided on the site, but no seating may be permanently installed.
- A permanent water or wastewater connection is prohibited except as provided in Chapter 36.
- Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- Drive-through service is prohibited.

**C. Temporary Outdoor Entertainment.** A temporary use permit is required for outdoor entertainment events.

- A management plan is required as part of the temporary use permit application that demonstrates the following:
  - The on-site presence of a manager during the event.
  - A general site plan of performance areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - Provision for recycling and waste removal.
  - The days and hours of operation, including set-up and take-down times.
  - A description of crowd control and security measures.
- Any temporary structures must be removed within seven days of conclusion of the event.
- Refer to Chapter 8 of the City of Milton's Code of Ordinances for additional submittal requirements.

**D. Temporary Outdoor Sales.** A temporary use permit is required for outdoor sales.

- Temporary Outdoor sales shall be permitted provided the following standards are met.

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- a. Temporary outdoor sales are limited to store fronts of normal commercial, retail, and mercantile enterprises. They shall not be permitted to occur at, from, or on the same lot as a mini-warehouse or other self-storage type facility, regardless of the zoning district.
  - b. The temporary event shall be contained within one parcel or lot and shall not extend beyond the permitted area.
  - c. The temporary sale shall not interfere with the normal operation of other businesses including those in multi-tenant facilities and those businesses adjacent to the business conducting the permitted temporary outdoor sale on abutting parcels.
- (2) A management plan is required as part of the temporary use permit application that demonstrates the following:
- a. The on-site presence of a manager during hours of operation who directs the operations of all participating vendors.
  - b. An established set of operating rules addressing the governance structure of the sales event, hours of operation, and maintenance.
  - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - d. Provision for recycling and waste removal.
  - e. The days and hours of operation, including vendor set-up and take-down times.

**E. Temporary Outdoor Storage Container.**

- (1) The term "Temporary Outdoor Storage Container" shall be defined to include: Portable On-Demand storage structure, any container, storage unit, shed-like container or other portable temporary structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.
- (2) A temporary use permit is required.
- (3) Temporary outdoor storage containers are permitted in any zoning district when used for loading or unloading.
- (4) Temporary outdoor storage containers may not be used for permanent storage. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.
- (5) A temporary outdoor storage container may be utilized as a temporary structure within the city when in compliance with the standards of this subsection. Any use of such structures within the city not in compliance with this subsection shall be unlawful.
- (6) Length of time structures may be on property; extensions.
  - a. A temporary outdoor storage container may be located as a temporary structure on a Residentially Zoned property within the city for a period of time not to exceed fourteen (14) days in duration from time of delivery to time of removal.
  - b. A temporary outdoor storage container may be located as a temporary structure on a Commercially Zoned property for a period of time not to exceed seven (7) days in duration from time of delivery to time of removal.

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- i. No more than two portable on-demand storage structures may be located on a specific piece of property within the city at one time; such structures shall be individually limited to the duration time period established herein. Such temporary structure may not be located on a specific property more than two times in any given 90-calendar-day period.
    - ii. Such structure may not exceed eight feet six inches in height, ten (10) feet in width or 20 feet in length.
    - iii. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.
    - iv. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate Enforcement officers may require the immediate removal of such temporary structure.
    - v. When located on a Commercially Zoned property, the temporary outdoor storage container may not disturb any flow of traffic, including pedestrian traffic, nor shall it disrupt any means of ingress and egress, or other on-site movement of vehicular traffic.
  - b. In the event of fire, hurricane or natural disaster causing substantial damage to the structure, the property owner may apply to the city for permission to extend the time that a portable on-demand storage structure may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Planning and Development Department and shall give sufficient information to determine whether such extended duration should be granted. The Planning Director shall determine whether or not to grant such extended duration and the length of such extension. The applicant may appeal such decision to the City Council. In the event of such appeal, the decision of the City Council shall be final.
- (7) Site Standards.
- a. Portable on-demand storage structures are prohibited from being placed within any public right of way and within any sight triangle.
  - b. Placement of a portable on-demand storage structure is limited to an existing driveway, or to a side or rear yard.
    - i. Portable on-demand storage structures located in a side or rear yard shall maintain a minimum distance of 10 feet from any property line.
- (8) Enforcement.
- a. Any violation of this subsection may result in a citation and fine not to exceed \$100.00 per violation.
  - b. Any portable on-demand storage structure which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of an enforcement officer for removal of such temporary structure for safety reasons, may be removed by the city immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property.

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- i. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes.

F. **Temporary Structures, including mobile homes and travel trailers.**

- (1) *Permits; Extensions.* Permits for temporary structures shall be obtained from the Planning and Development Department. Such city development permit may be renewed for a period not to exceed an additional 90 days. Any subsequent application for the extension of a temporary structure permit shall require a special exception. Upon expiration of any permit for a temporary structure, such structure shall be removed from the premises.
- (2) *Used as Contractor's or construction field office or tool shed.* Temporary structures, including mobile homes and travel trailers, may be used as construction field offices and/or tool sheds when accessory to the development of an area and subject to the following restrictions:
  - a. Such structure may be utilized for a period of 12 months, or until 90 percent of the lots are sold, whichever comes first;
  - b. In the case of individual permanent structures being erected on the same parcel of land, such temporary use shall not exceed six months or ten days after completion of the permanent structure, whichever comes first; and
  - c. Any permit extensions shall comply with the requirements contained in subsection (a) of this section.
- (3) *Used as sales office.* Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district subject to the following restrictions:
  - a. Such structure may be utilized for a period of 12 months, or until 90 percent of the lots are sold, whichever comes first;
  - b. Such sales offices shall not include sales of real estate outside the subdivision; and
  - c. Any permit extensions shall comply with the requirements contained in subsection (a) of this section.
- (4) *Used as dwelling due to health conditions.* Temporary structures, such as mobile homes and travel trailers, may be used as temporary living quarters upon the application and approval as a special exception in R-2 and R-3 districts; provided the following requirements have been met. There shall be no special exception provisions for mobile homes in R-1AA, R-1A, or R-1 districts.
  - a. Special exceptions may be allowed when justified by the applicant's health condition. Applicants must submit two doctor statements outlining the seriousness of the health problem and the necessity for the temporary structure;
  - b. The time limit for such special exception shall be one year. Upon the expiration of the special exception, evidence of the continuance of the health condition specified in subsection III-5.13(d)(1) shall be furnished to the board of adjustment to verify the continued existence of such condition. Only through such verification may the special exception be continued;
  - c. Construction and installation of mobile homes or travel trailers as temporary structures shall meet all local, state and federal regulations. In addition, the trailers must be skirted and must not be more than ten years old. Doublewide trailers will not be allowed;
  - d. Temporary structures shall not be placed within 15 feet of property lines or any permanent structures and shall project no nearer to the street than front edge of permanent structure;

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- e. Trailers shall be placed only on lots where one single-family dwelling is located;
  - f. Only on special exception for a single trailer shall be granted per family household of a permanent dwelling;
  - g. Upon application as a special exception, the placement of a mobile home as a temporary structure within an R-2 or R-3 district may be approved; provided that in addition to the requirements contained in subsections III-5.13(d)(1) through III-5.13(d)(6) of this section, a minimum lot area of one acre is provided; and
  - h. Legal and proper disposal of gray water and black water is required.
- (5) *Used as dwelling in emergency situations.* Temporary structures, such as mobile homes and travel trailers, may be used as temporary living quarters in any district in emergency ceases under the following restrictions:
- a. An application is submitted to the Planning and Development Department;
  - b. The emergency shall be the result of actions beyond the ~~applicant's~~ ~~applicant's~~ control such as, but not limited to, structure damage resulting from fire, tornadoes, hurricanes, lightning, etc. The determination of an emergency shall be made by the City Manager or his designee;
  - c. Use of mobile home or travel trailer as a temporary dwelling shall be limited to a maximum of six months;
  - d. Specifications pertaining to the temporary living quarters shall meet all local, state and federal guidelines;
  - e. Mobile homes and travel trailers shall be limited to a maximum of 14 feet in width and 60 feet in length;
  - f. Temporary structures shall not be placed within 15 feet of property lines or permanent structures and shall project no nearer to the street than the front edge of the permanent structure; and
  - g. The legal and proper disposal of gray water and black water is required.
- (6) *Tents and canopies; defined; permitted uses.*
- a. Tents and canopies may be permitted on a temporary basis as follows:
    - i. Tents used for such purposes shall be allowed in the commercial zoning districts;
    - ii. Tents or canopies greater than 400 square feet must obtain Planning and Development Department approval. Tents or canopies 400 square feet or less must abide by the same regulations as tents and canopies requiring permits and must receive Planning and Development Department approval;
    - iii. Permits shall be limited to 30 calendar days in a six-month period. Failure to remove such tents or canopies upon the expiration of the 30-day period shall constitute a violation of these regulations;
    - iv. A notarized affidavit indicating permission to use the property for such purpose must be obtained from the property owner;
    - v. The following assurances must be addressed prior to issuance of a permit:



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- 1) No nuisance, hazardous or non-safe conditions, as determined by the Planning and Development Department, will be allowed in conjunction with the temporary use of such tents or canopies;
  - 2) Vehicular parking associated with such uses shall be sufficient and vehicular traffic shall not create a safety problem; and
  - 3) A 25-foot setback from all property lines shall be required for such structures.

## **ARTICLE 9. ON-SITE DEVELOPMENT STANDARDS**

### **9.1 GENERAL REQUIREMENTS**

- A. **Number of Structures on a Lot.** In the R-1AA, R-1A, and R-1, Districts there shall be no more than one principal building per lot. This does not include permitted accessory structures, permitted accessory dwelling units, or agricultural structures. This also does not apply to educational facilities. In all other districts, more than one principal building is permitted on a lot, provided that it complies with all dimensional standards of the district.
- B. **All Activities within an Enclosed Structure.** Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:
  - (1) Parking lots, principal and ancillary.
  - (2) Park/playground, conservation areas, and similar open space uses.
  - (3) Establishments with a permitted outdoor component, including, but not limited to, agriculture, outdoor amusement facilities, ~~outdoor storage yards~~, heavy retail, rental, and service, outdoor storage yards, salvage yards, outdoor dining, car washes, animal care facilities, kennels, and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.
  - (4) Permitted outdoor storage, and outdoor sales and display areas.
  - (5) Permitted outdoor temporary uses.
- C. **Applicability of Required Setbacks.** No lot may be reduced in area so that the setbacks are less than required by this Code. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Code or a variance is approved.
- D. **Applicability of Bulk Requirements.** All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure is located unless a variance is approved.
- E. **Sight Triangle.**
  - (1) All structures, including a closed fence or wall, and all plantings are limited to a maximum height of three feet within the sight triangle. A semi-open fence that complies with all fence requirements that does not impair the sight triangle shall be permitted.
  - (2) If plantings, despite conformance with the height requirements identified in (1) above, grow to a point that in the opinion of the Planning Director, are causing or may cause an unsafe and hazardous condition to exist, shall be removed from the sight triangle at the ~~owner's~~ owner's expense.

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## 9.2 EXTERIOR LIGHTING

### A. Lighting Plan Required.

- (1) A lighting plan is required for new all subdivisions, non-residential uses and multi-family and townhouse developments. Single-family, detached and attached and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
- (2) A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting, with schematic wiring layout and power source connection indicated.
  - b. Specifications for luminaires and lamp types, poles, wiring, conduit, and appurtenant construction, including photographs or drawings of proposed light fixtures.
  - c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
  - d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
  - e. Photometric plans that show the foot-candle measurement at all lot lines.
  - f. Other information and data reasonably necessary to evaluate the required lighting plan.

### B. Maximum Lighting Regulations.

- (1) The maximum allowable foot-candle at any lot line is one foot-candle.
- (2) When additional security lighting is required for security reasons in excess of the foot-candle limit imposed by item 1 above, additional lighting may be allowed based on evidence for the need for additional security through site plan review.
- (3) No glare onto adjacent properties is permitted.

### C. Luminaire with Cut off Standards.

- (1) To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
- (2) The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 25 feet. Any luminaire greater than 25 feet in total height requires special use approval.
- (3) A cut off luminaire must be designed to completely shield the light source from an observer three and one-half feet above the ground at any point along an abutting lot line.

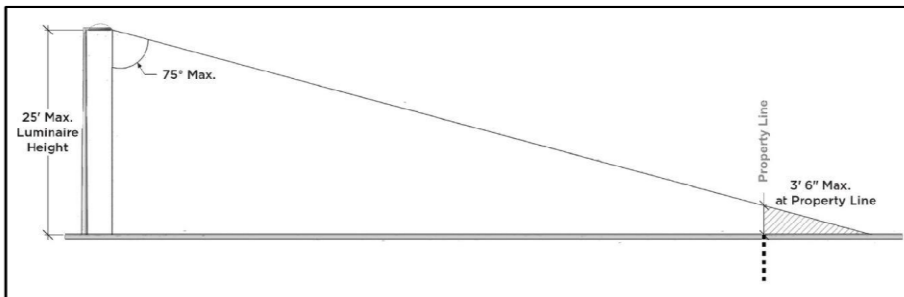


Figure 9.2.1. Luminaire Cut off Standards Diagram

**D. Luminaire with No Cut off Standards.**

- (1) A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.
- (2) The maximum permitted total height of a luminaire with no cut off is 15 feet. Any luminaire greater than 15 feet in total height requires special use approval.

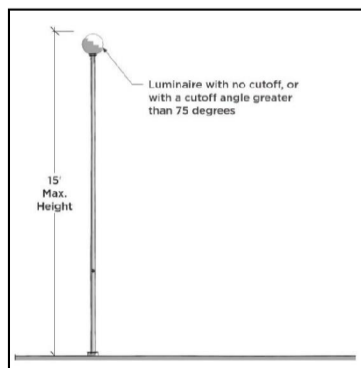


Figure 9.2.2. Luminaire with no Cut off Standards Diagram

**E. Streetlight requirements.**

- (1) All streetlights in residential districts shall be Light Emitting Diode (LED), high-pressure sodium vapor type, or equivalent in output as measured in foot-candle and lumens. Alternative lighting shall be verified to be equivalent and approved by the city council.
- (2) All streetlights shall be located on wood, metal, aluminum, fiberglass or pre-stressed concrete poles as approved and accepted for maintenance by the local electrical utility company.
- (3) Fixture types shall be read 100 watts or 250 watts and be of the "Cobra head" type.
- (4) Alternative decorative lighting fixtures and poles may be approved by the city and local electrical utility company.
- (5) Maximum distances between fixtures shall be 125 feet for 100-watt fixtures and 250 feet for 250-watt fixtures. Adjustments may be approved by the city when it is determined that the local electrical utility company transformers or wiring require minimal adjustments. Lighting as a general rule will be located on transformer poles or on the nearest pole to a pad mounted transformer.
- (6) Pedestrian Scale lighting shall be required in all subdivision development, non-residential development on lots greater than one (1) acre, development within the R-C1 on lots with greater than 100 feet of street frontage, excluding ~~single and two-family~~ single- and two-family dwellings, and development within the D-CM, unless otherwise deemed inappropriate or impractical by the Development Approval Authority.
  - a. Required Lighting Poles and Fixtures shall mimic, to the greatest extent possible, the poles and lighting fixtures currently located within the Downtown area of the City.

- i. Poles shall be fluted with decorative bases and globes.



Figure 9.2.3. Example of Required Pedestrian Scale Lighting

**F. Exceptions to Lighting Standards.**

- (1) Luminaires used for public roadway illumination are exempt from the requirements of this section, except for those found in subsection E above.
- (2) All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this section.
- (3) Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 60 feet in any district. Luminaires greater than 60 feet in total height require special use approval.
- (4) Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of all lighting is required as part of the temporary use permit.

**G. Prohibited Lighting.**

- (1) Flickering or flashing lights are prohibited.
- (2) Searchlights, laser source lights, or any similar high intensity lights are prohibited.

**9.3 ACCESSORY STRUCTURES AND USES**

**A. General Regulations for Accessory Structures.** All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

- (1) No accessory structure may be constructed prior to construction of the principal building to which it is accessory.

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- (2) Residential Accessory buildings shall not require city development ~~approval, but~~ approval, but must meet city regulations and development standards. Applicants must read and sign the City of Milton Accessory Structure Acknowledgement Form before commencement of any work to signify the accessory structure will adhere to city regulations and development standards. Commercial Accessory structures shall require City development approval. All Accessory buildings require a county permit according to the state building code.
  - (3) Certain accessory structures may be prohibited in certain yards. The use of the term "yard" refers to the area between the applicable building line and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it may be permitted within the required setback subject to additional limitations.
  - (4) The maximum height of any detached accessory structure shall not exceed the height of the primary structure, unless otherwise permitted or restricted by this Code.
  - (5) Accessory structures are included and must comply with all maximum impervious surface coverage.
  - (6) Accessory structures are limited to 25% coverage of any yard.
  - (7) The footprint of a detached accessory structure cannot exceed the footprint of the principal building.
  - (8) Any accessory structure located closer than ten (10) feet to the primary structure shall be construed as part of the primary structure and shall observe all setback requirements for said primary structure.
  - (9) Accessory structures must be at least five (5) feet from any lot line, unless otherwise permitted or restricted by this Code.
  - (10) No accessory building shall be erected in any required front or side yard. Accessory buildings may be constructed in the rear yard provided such building meets the above and any other applicable standards.

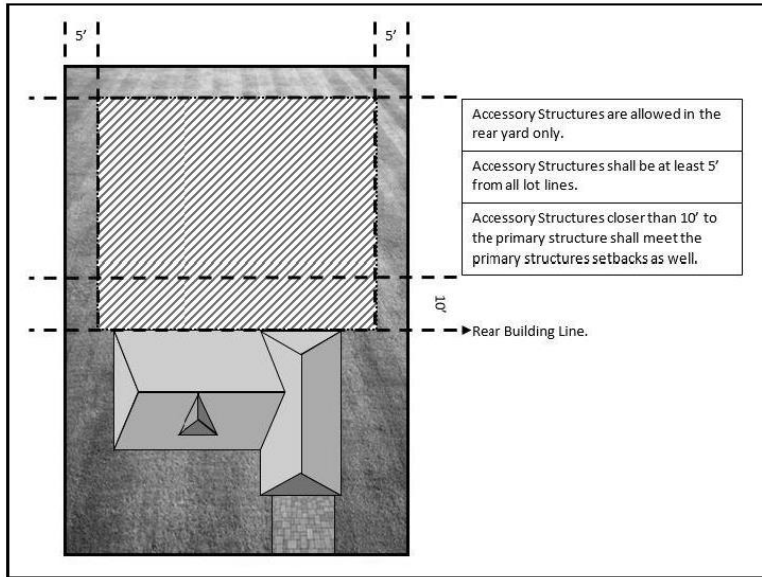


Figure 9.3.1. General Accessory Structure Setbacks Diagram

**B. Amateur (HAM) Radio Equipment.**

- (1) Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 9.5 are permitted only in the rear ~~yard, and yard and~~ must be located 10 feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional 10 feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.
- (2) Antennas may also be building-mounted and are limited to a maximum height of 10 feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.
- (3) Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
- (4) An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 7.5. As part of the application, the applicant must submit a site plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.

- C. Apiary.** Apiaries as an accessory use do not apply to lots that are in use for agriculture as a principal use. Apiaries shall be permitted on lots greater than one half (0.5) acres in the R-1AA, R-1A, R-1 and R-U zoning districts only.

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- (1) Apiaries are permitted only in the rear yard and must be located 20 feet from any lot line and the principal building.
- (2) All bee colonies must be kept in a removable frame hive, which must be kept in sound and usable condition.
- (3) Where any colony is located within 25 feet of a lot line, as measured from the nearest point on the hive to the lot line, the beekeeper must establish and maintain a flyway barrier at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line and extends 10 feet beyond the colony in each direction so that bees are forced to fly at an elevation of at least six feet above ground level over adjacent lots in the vicinity of the apiary.
- (4) Each beekeeper must provide a convenient source of water available to the bees at all times.
- (5) In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.
- (6) Apiaries do not require a building permit.

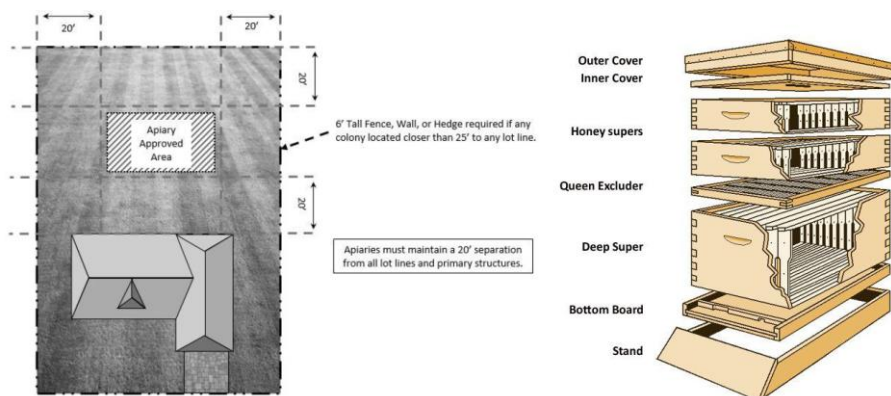


Figure 9.3.2. Apiary and Yard Requirements Diagram

D. **Aquaculture/Aquaponics.** Aquaculture/aquaponics facilities as an accessory use do not apply to lots that are in use for agriculture as a principal use.

- (1) Aquaculture/aquaponics facilities do not require a building permit.
- (2) Aquaculture/aquaponics facilities are permitted only in the rear yard and must be located 10 feet from any lot line.
- (3) All aquaculture/aquaponics operations must be located within fully or partially enclosed structures designed for holding and rearing ~~fish, and fish and~~ contain adequate space and shade.

E. **Boathouse.** Accessory in Residential Districts.

- (1) No boathouse shall be built until development authorization has been granted by the Planning and Development Department which shall take into consideration the effect upon navigation and the neighborhood in obstructing the view, use and enjoyment of such body of water by the neighborhood and general public.

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- (2) No boathouses shall be built along the shores or in or upon the water, except in compliance with the following regulations:
- a. A boathouse may be erected on a lot fronting the shoreline and may extend across the shoreline, but the inshore side of such boathouse shall not be erected or be situated any further out from the shoreline than the mean depth of three feet as mean low tide; provided further that in no event shall the boathouse extend a distance of more than 50 feet from the shoreline of the body of water. Furthermore, where the channel of the body of water is so narrow that a distance of 50 feet from the shoreline would prevent passage in such channel, said boathouse shall be placed at a distance from the shoreline, which in the opinion of the technical review committee (TRC), shall permit passage of boats in such channel;
  - b. No boathouse, dock or approach to the boathouse shall be closer to the lot lines of the designed lots than a minimum footage of ten feet, nor shall any boathouse extend to a height or more than 20 feet from above the elevation 0.0 based upon the United States Coastal and Geodetic Datum Plan, rather than mean low tide;
  - c. The square foot area of any boathouse shall not exceed 40 percent of the area of the main dwelling or structure on the lot, exclusive of garages, porches, and exterior buildings;
  - d. Each boathouse constructed upon any building lot shall conform as nearly as possible to the main dwelling or structure in general architecture and construction, except for masonry construction, but in all events the construction shall be approved to carry out the intent of these provisions. In no event shall sheet metal or ironclad sliding or roof be permitted, except such siding having a coating of baked-on enamel or other similar material as otherwise approved;
  - e. No boathouse shall be used for living quarters, and the use of boathouses shall be confined structurally to the housing of boating and water equipment. No boat, whether housed inside a boathouse or otherwise, shall be used for living quarters for a period exceeding five days, unless a permit is first obtained from the Planning and Development Department. No more than four permits shall be issued within a one-year period, and no permit shall exceed 30 days;
  - f. No boathouse shall be constructed or altered hereafter without first obtaining the permits from applicable governmental agencies prior to obtaining authorization from the city; and
  - g. Piers may be erected in accordance with this section regulating length, lot lines and area. A building permit shall be required.

F. **Book Exchange Box.** A book exchange box is an accessory structure maintained by a resident on private property where books and recorded performing arts are kept for public use and/or exchanges with no fees or ~~sales, and sales and~~ are publicly accessible. Book exchange boxes are allowed in the R-1, R-2, R-3, and ~~R-4~~ RC-1 Districts and are subject to the following requirements:

- (1) Book exchange boxes are allowed only on minor streets in residential districts, or on private residential streets.
- (2) Boxes are limited to a maximum height of six feet measured to the highest point on the structure, and a maximum width and depth of three feet.
- (3) Boxes are permitted only in the front or side setback and must be located a minimum of five feet from any lot line.
- (4) Boxes are prohibited in the public right-of-way.
- (5) Boxes cannot be constructed or installed in a manner that obstructs visibility within the site triangle of intersections and driveways.



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- (6) Permanent foundations for the boxes are prohibited. Temporary foundations comprised of sand, masonry pavers, or other similar movable materials are allowed.
  - (7) Each box must be constructed in such a manner that books are protected from the elements. All books must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.
  - (8) Each box should be designed to be aesthetically pleasing.
  - (9) Each box shall be maintained in a manner to prevent deterioration and accumulation of trash, debris or the proliferation of weeds.

G. **Carport.**

- (1) Carports must be located over a driveway or paved surface.
- (2) A carport is permitted only in the interior side yard, side yard, or rear yard.
- (3) The total length of a carport is limited to 20 feet. The height of a carport is limited to ~~20~~40 feet.
- (4) A carport must be entirely open on at least two sides except for the necessary supporting columns and customary architectural features.
- (5) A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.
- ~~(6) Carports attached to the principal structure shall require development approval.~~
- ~~(7) Carports are allowed in front yards but shall not encroach into any front setback and must remain under 20 feet in height.~~
- ~~(8) Carports are allowed in interior side yards up to the property line, regardless of distance to the principal main structure, provided there is a minimum of 10 feet to any adjacent principal structures.~~

H. **Chicken Coops.** Chicken coops as an accessory use do not apply to lots that are in use for agriculture as a principal use.

- (1) Chicken coops are permitted in the rear yard only.
- (2) It shall be unlawful to keep, harbor, or confine chickens in any pen, coop, or enclosure, any part of which is within 30 feet an adjacent dwelling, church, school, or any public building, park, or gathering place.
- (3) No chickens may be kept or raised within the city for the purposes of sale or breeding. The on-site sale of eggs or any other chicken product is prohibited.
- (4) Up to a maximum of eight hens on any lot. The owner of the hens must be a resident of the dwelling on the lot.
- (5) Roosters are prohibited.
- (6) All hens must be provided with both a chicken coop and a fenced outdoor enclosure, subject to the following provisions. In the R-1AA District, hens are allowed to free roam on property greater than one-half acre.
  - a. The chicken coop must provide a minimum of five square feet per hen.

- b. The chicken coop and fenced enclosure must be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances. The facility must be adequately lit and ventilated and be equipped with a water trough and feed box attached in such a manner as to prevent contamination of the same.
- c. The chicken coop must be designed to ensure the health and wellbeing of the hens, including protection from predators, the elements, and inclement weather.

(7) Slaughtering of chickens on-site is prohibited.

**I. Cold-frame Structures.**

- (1) Cold-frame structures do not require a building permit.
- (2) Cold-frame structures up to three feet in height are permitted only in the interior side, side, and rear yards.
- (3) Cold-frame structures over three feet in height are permitted only in the rear yard.
- (4) Cold-frame structures are limited to a maximum square footage of 60 square feet and a maximum height of six feet. In the R-1AA District, cold-frame structures are permitted a maximum square footage of 120 square feet.

**J. Collective Alternative Energy System.**

- (1) A collective alternative energy system, such as solar, wind, or geothermal, is permitted to be shared by property owners or a neighborhood organization, homeowners association, or institutional use.
- (2) Properties may share an alternative energy system, including permission to install equipment along all properties. All owners must agree to such arrangement, and an agreement is recorded as a "collective alternative energy servitude" on each plat of survey and access is granted to all participants to maintain equipment. A management plan must be submitted and servitude recorded.
- (3) Collective alternative energy systems must be built in accordance with accessory use standards for the particular type of energy system used, as described in this section, and any other applicable Federal, State, and local regulations.

**K. Dwelling—Accessory.** All Accessory dwelling units shall require City development approval. For the purposes of this section Accessory Dwelling is categorized into Garage Apartments and Guest Cottages.

**(1) General Standards—Accessory Dwelling.**

- a. No more than one (1) accessory dwelling unit is allowed per lot. Where permitted, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.
- b. A detached accessory dwelling unit may not exceed the height of the principal dwelling, the gross floor area may not exceed 60% of the gross floor area of the principal dwelling or 1,000 square feet, whichever is less.
- c. Detached accessory dwelling units may only be located in the rear yard.
- d. Detached accessory dwelling units shall be located a minimum of ten (10) feet from any lot line and 12 feet from any principal structure.
- e. No additional parking is required for an accessory dwelling unit. Required parking for the principal structure must be maintained.

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- f. Accessory dwelling units shall be occupied by non-paying guests and family members only and shall at no time be permitted as a rentable or tenant space, [unless otherwise authorized by the State of Florida](#).

(2) *Garage Apartments*. May be located in attached and detached garages provided they conform to the following standards:

- a. Whether located in a detached or attached garage, shall not contain a kitchen or cooking facilities.
- b. Shall be permitted above the ground floor only.
- c. Shall contain a minimum living space of 300 square feet.

(3) *Guest Cottages*. Guest Cottages include those accessory dwelling units commonly referred to as mother-in-law suites, guest houses, carriage houses, granny flats, and others.

- a. Guest Cottages shall be constructed of similar materials and designed to mimic the primary residential structure on the lot.
- b. May contain a kitchen and/or cooking facilities.
- c. Shall contain a minimum living space of 500 square feet.

L. **Electric Vehicle Charging Station.**

- (1) Commercial electric vehicle charging stations are permitted as an accessory use within any parking lot, parking structure, or gas station in all districts.
- (2) Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwellings located on that property.
- (3) Electric charging station equipment may not block the public right-of-way.
- (4) Each public charging station space must be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if time limits of tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
- (5) Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

M. **Fallout Shelters.**

- (1) *Permitted locations*. Fallout shelters shall be permitted as follows:
  - a. One-family and two-family shelters shall be permitted in any residential district;
  - b. Community shelters (providing more than one-family or two-family use) shall be permitted in any zoning district provided it can be demonstrated on the application for development approval or during the development review process that any incompatibilities between existing adjacent uses or districts will be properly mitigated; and
  - c. Display shelters for commercial purposes (not to be occupied) shall be permitted in commercial districts only, not including R-C1.
- (2) *Specifications*. All structures constructed as fallout shelters shall be those types approved by or in accordance with the plans issued by the Office of Civil Defense Mobilization (OCDM); provided, however, any plans or structures to be used as fallout shelters not previously approved by OCDM shall bear the signature and seal of a state registered architect or professional engineer.

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(3) *Setback requirements.*

- a. Aboveground fallout shelters shall be considered as an accessory structure and must meet the setback requirements for an accessory building.
- b. A fallout shelter may be attached to a principal structure provided it meets the same setback requirements as the principal structure.
- c. Underground fallout shelters may be located anywhere on the property in question; provided the entrance to the shelter and the vent pipes are the only portions thereof which are aboveground or above the normal grade level.

(4) *Uses permitted.* All shelters constructed under these special regulations for use as a fallout shelter shall be for emergency use only and shall not be used as a habitable dwelling facility.

(5) *Permits required.* A building permit is required to be issued for all fallout shelters, whether aboveground or underground, prior to the initiation of construction activity.

**N. Fences and Walls.**

(1) *General Requirements.*

- a. The erection of all new fences and walls and repair of 50 percent or greater of an existing fence or wall, shall require a city development permit.
- b. In any district, no fence, wall or other obstruction shall be erected or maintained at a corner within 15 feet from the intersection of the right-of-way lines. Special exceptions to this provision may be allowed by written approval from the city chief of police and the zoning coordinator, who shall determine whether or not the exception would create a traffic hazard.
- c. All fences and walls must be maintained in good repair and safe condition at all times. Damaged or missing elements shall be repaired, removed, or replaced.
- d. Repairs to existing fences shall be made of the same or similar material and consist of the same design elements including color, material, and height as the remainder of the existing fence or wall.
- e. Height is measured from the adjacent ground to the highest point, except that decorative posts of a fence or wall may exceed the maximum height by six inches.
- f. Walls and fences shall be constructed with approved materials and workmanship as determined by the Planning and Development Department. Horizontal and vertical support posts shall be placed facing the inside of the fenced area when the fence abuts a street, except where the fence is designed such that both sides are finished with alternating vertical fence supports and those vertical supports are covered by the alternating pattern.
- g. When fence requirements are a condition of a use or site element, such requirements control.
- h. When additional fence and wall requirements are found in the use standards of Article 8 or the landscape standards of Article 12, such requirements control.

(2) *Fence and Wall requirements in Special Districts.*

- a. Purpose and Intent.
  - i. To protect and enhance the character of the Historic and Downtown Districts
  - ii. To promote a visual aesthetic in keeping with the special historic, architectural, and cultural values of the Historic District.

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- b. Generally. All fences and walls located within the designated Historic District should follow the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City of Milton's Pattern Book. Any newly constructed or replacement fence located on a non-contributing property within the Historic District shall not require a certificate of appropriateness. No new fence or wall shall be erected on non-contributing properties located within the City's Historical District without approval by the Planning and Development Department. No significant repair or replacement of a deteriorated existing fence or wall located on a non-contributing property within the City's Historical District shall occur without approval by the Planning and Development Department.
  - c. Materials.
    - i. New fences shall complement the style, design, color, and material of the building(s), the building site, and the surrounding neighborhood.
    - ii. A single lot shall contain no more than two types or colors of fencing material.
    - iii. Decorative fences made of cast iron, wrought iron, simulated wrought iron, wood pickets or other historic materials are appropriate materials for front yards and along street fronts.
    - iv. Privacy wood fences are appropriate for rear and side yards.
    - v. Fencing materials may be approved on a case-by-case basis. The Planning and Development Department may consider alternative materials.
    - vi. Deteriorated sections of fencing should be replaced with materials of matching design, texture and color whenever possible.
    - vii. If the fence material is not left in or near its natural color, it shall only be painted in one color and that color shall be compatible with the historic nature of the district.
  - d. Heights. Shall be compatible with the fence requirements of the underlying zoning district in which the property is located.
  - e. Placement. New fences should be compatible with the site façade setback, size, and scale to protect the historic integrity of the district. Privacy fencing for the rear and side yards shall be placed behind the front façade of the building.
- (3) *Temporary fence requirements.*
- a. A temporary fence is a brief alternative to a permanent fence and is used only on an interim basis for public safety or security, crowd control, storage, theft deterrence and for other situations which necessitate the demarcation or access control to the general public.
  - b. Temporary fence design shall conform to the needs of the situation and the length of time to be used. Temporary fence materials will be approved on a case-by-case basis. In no instance or in any district shall barbed wire, razor wire, electrified fence, and/or chicken wire or any other form of metal farm fence, be used as a temporary fence material.
    - i. *Farm fence* includes any variety of woven wire, cable, and mesh wire generally found in a rectangular pattern. This does not include cyclone or chain link fence material.
  - c. The construction of a temporary fence, which will be in place for a period of time to exceed 7 days shall require a temporary fence permit.
  - d. Police tape, caution tape, pylons, cones, mobile bollards, A-frame type signs, and other materials of an impermanent nature may be used for a period of time not to exceed 7 days.

- e. Temporary Fence permits shall be issued at the Planning Departments discretion for a period of time not to exceed 180 days.

(4) *Heights of Fences, Walls, and Hedges.*

a. Fence Height in Residential Districts.

- i. Fences, walls, and other obstructions erected along the side lot lines beyond the front building line in residential districts shall be limited to a maximum height of four feet, except where a residential structure is located adjacent to a nonresidential use. Where a residential structure is located adjacent to a nonresidential use or structure, a six-foot fence shall be permitted by the Planning and Development Department along the common lot line; provided such fence does not create a traffic hazard.
- ii. In the interior side, side, and rear yards, a fence, wall, or hedge is permitted up to a maximum height of six feet.
- iii. Decorative fence posts and post toppers shall be permitted to exceed the maximum height by six (6) inches.

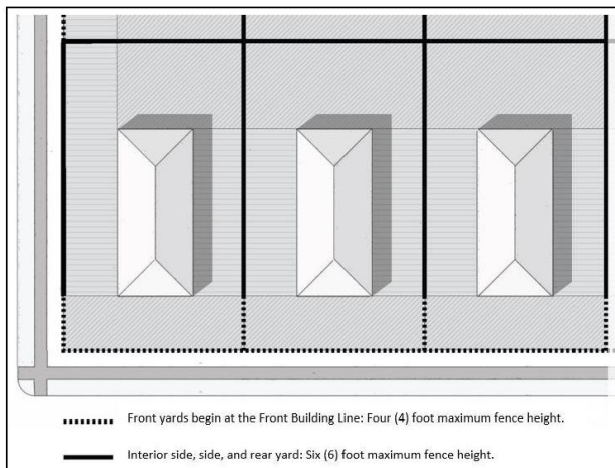


Figure 9.3.3. Fence Height Diagram

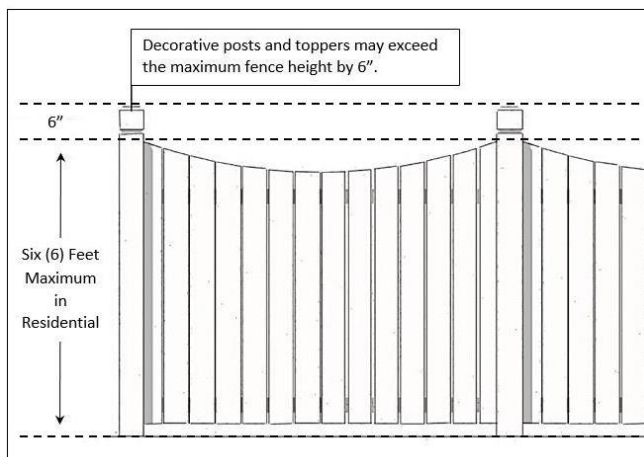


Figure 9.3.4. Decorative Fence Posts and Toppers Diagram

b. Fence Height in Non-Residential Districts.

- i. Fences, walls, and hedges are prohibited in the front or side yards unless otherwise required by the landscape and screening regulations of Article 12.
  - ii. In the interior side and rear yards, a fence, either open or closed, wall, or hedge is permitted up to a maximum height of six (6) feet.
- c. Fence Height for Public Recreation Areas. Public recreation areas may be enclosed along their boundaries (i.e., all yards) with an open fence to a height not to exceed eight feet. Tennis courts and other similar uses may be fenced in accordance with national standards for such uses.

(5) *Barbed Wire Fences.*

- a. Barbed wire or fences of similar material are permitted only on lots used for a utility in any district and as security in the C-2 and C-3 districts.
- b. Barbed wire and similar material must be located a minimum of six feet above the adjacent ground.
- c. The use of barbed wire and similar materials is limited to three strands.

(6) *Fence and Wall Construction and Design Requirements.*

- a. In the case of a corner lot, any abutting dwelling to the side or rear of the corner lot shall not have fences from the corner lot, exceeding four feet in height, extending beyond the abutting dwellings front building line.
- b. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.
- c. No fence may be electrified.

- O. **Flat Roof Features.** Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater detention systems are permitted below the parapet of any flat roof building, and

are excluded from the calculation of maximum building height. Flat roof features must meet the following standards:

- (1) For green roofs, rooftop gardens, and similar features, documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water. For green roofs, this must also indicate an adequate soil depth will be provided for plants to survive.
- (2) Rooftop decks or patios must be set back six feet from all building edges.
- (3) Rooftop decks or patios must have a guardrail that is a minimum of 30% open and a maximum of four feet in height as measured from the surface of the roof deck or patio.
- (4) The roof must contain sufficient space for future installations, such as mechanical equipment.

P. **Garage.** The following standards apply to all residential garages, with the exception of multi-family dwellings. Attached garages are not considered an accessory structure but are subject to the following regulations.

- (1) *Attached Garages.*
  - a. Front-loaded attached garages are limited to 50% of the width of the front building line or a maximum of 26 feet, whichever is greater. Garage width is measured between the outmost edges door(s).
- (2) *Detached Garages—No Accessory Dwelling.*
  - a. One detached garage is permitted per lot.
  - b. Detached garages are permitted only in the rear and side yards. Detached garages must be set back a minimum of five feet from the front building line if located in the side yard. Detached garages within ten feet of the primary structure shall, for all intents and purposes, be considered a portion of the primary structure and shall observe the setback requirements for the primary structure.
  - c. If a lot abuts a public alley that provides adequate access to a street, a detached garage must be constructed so that access is from the public alley.

Q. Ice Machine – Drive-Up – Provide standards from other communities that provide for setbacks and parking requirements. May also need to include standards as a primary use of property if applicable in other communities.

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Q. **Livestock.** Keeping of livestock does not apply to lots that are in use for agriculture as a principal use. Chicken coops, apiaries, and aquaponic/aquaculture facilities are regulated separately. These standards do not apply to livestock kept as part of a public safety facility.

- (1) It is prohibited to keep any domestic animals, including hoofed and ~~eleven-hoofed~~cloven-hoofed animals such as horses, swine, cattle, goats, sheep, and similar species; and any geese, ducks, guinea fowl, peacocks, and similar species, and any exotic animal such as ostriches and llamas, within any area of the city except as provided in the following.
  - a. Private stables shall be permitted in the Residential districts provided that the stable shall be no closer than 200 feet to a property line; provided that more than 75 percent of the owners of residences within a radius of 300 feet of the stable have given their written consent to the stable and; provided further that there shall not be kept more than one horse per each one acre of property.
- (2) It is not the intention of these regulations to prohibit the keeping of dogs, cats, parrots, parakeets, canaries, other such household pets, or chickens in accordance with this code and in such fashion as to not constitute a nuisance.



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- (3) All horses must be registered with the applicable state agency(s). Any horses that have been maintained prior to the effective date of this Code in any district and which are not in conformance with the provisions of this Code, such horses and their enclosures will be deemed nonconforming and may be maintained. Once the horses are no longer kept on the property or the livestock enclosure is demolished, no horses may be maintained unless in conformance with this section.
  - (4) All stables and enclosures, including repair of existing enclosures, shall require city development approval.
  - (5) Livestock enclosures are prohibited in the front and side yard.
  - (6) All enclosures must be designed to ensure the health and wellbeing of the animals, including protection from predators, the elements, and inclement weather.
  - (7) All livestock must be kept to prevent any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property.
  - (8) The following activities are permitted as part of the operation of a horse stable provided any and all other sections of this code are satisfied:
    - a. Riding lessons.
    - b. Boarding horses.
    - c. Renting horses for recreational riding.
    - d. Therapeutic riding.

R. **Mechanical Equipment.** Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment. Equipment that serves Manufactured Homes, including electric, heating, ventilation, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(1) *Ground-Mounted Equipment.*

- a. Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front yard as of the effective date of this Code, the equipment may remain and may be repaired and maintained unless it is replaced in its entirety or the principal structure is demolished.
- b. Mechanical equipment is permitted only in the interior side, or rear yard and shall be screened.

(2) *Roof-Mounted Equipment.*

- a. For structures four or more stories in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.
- b. For structures less than four stories in height and for any building where roof equipment cannot meet the setback requirement of item a. above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

S. **Permanent Outdoor Sales and Display (Ancillary).**

- (1) Vehicle dealerships are permitted to have accessory outdoor sales and display of merchandise.
  - a. All outdoor sales and display of vehicles for vehicle dealerships must comply with the parking lot screening requirements of Article 12.
- (2) Outside display of goods and merchandise is prohibited in Residential zoning districts with the exception of yard sales conducted on a residential lot by the property owner.

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(3) Retail goods establishments and Commercial enterprises within the C-1, C-2, C-3, RC-1, D-CM, and SSC-RC zoning districts require special exception approval in accordance with Article 3 and shall conform to the following:

a. Any permanent outdoor display must be located on the same lot as the principal use. No outdoor display is permitted in the public right-of-way.

i. No required parking area may be used as outdoor display.

ii. Outdoor sales and display of retail items shall occur only during normal operating business hours and only where permitted.

(4) Temporary display of goods and merchandise shall require a Temporary Use Permit and shall adhere to the standards found in S(4) above and within 8.2(D).

T. **Outdoor Storage—(Ancillary).** The following uses are permitted outdoor storage: greenhouse/nursery - retail, including the growing of plants in the open, heavy retail, rental, and service, vehicle dealerships, vehicle rentals, vehicle operations facility, vehicle repair/service, minor or major. The Planning Director can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

(1) No outdoor storage is permitted in a front yard, in any public right-of-way, or located so that it obstructs pedestrian or vehicular traffic. Outdoor storage is prohibited in required setbacks.

(2) All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.

(3) No required parking area may be used as an outdoor storage area.

a. Vehicle repair/service establishments can store vehicles waiting for repair and service in designated parking areas provided the vehicle's tag and license are current.

(4) All outdoor storage must comply with all applicable stormwater management regulations.

(5) Outdoor storage of retail items shall occur only during normal operating business hours and only where permitted.

U. **Refuse and Recycling Containers/Dumpsters.** Refuse and recycling container regulations apply only to multi-family dwellings and non-residential uses.

(1) Refuse and recycling containers are prohibited from being stored in the front yard. No dumpsters may be located on any public right-of-way, including alleys.

(2) All refuse and recycling containers must be shielded from adjacent properties and streets and be enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. Such construction may require a building permit.

(3) Dumpsters must not be located so that the disposal area drains toward a storm drain or off-site.

(4) Dumpsters must be covered and must not be allowed to drain freely.

(5) Restaurants, Other food service establishments, and Auto~~mobile~~<sup>motive</sup> oriented businesses with service components shall place dumpsters on concrete pads that are designed to slope into a drain that is attached to or equipped with a grease trap.

(6) Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.

V. **Satellite Dish Antennas.**

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- (1) *General Requirements.* Small satellite dish antennas, which are three (3) feet or less in diameter, do not require development approval but shall meet the following standards.
- a. No satellite receiving dish, disk, etc., shall be placed in the front yard of any residence or business.
  - b. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
  - c. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
  - d. Cables and lines serving ground-mounted satellite dish antennas must be located underground.
  - e. Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.
  - f. All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
  - g. Antennas no longer in use must be immediately removed.
  - h. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.
- (2) *Large Satellite Dish Antennas.* Large satellite dish antennas, which are greater than three feet (36 inches) in diameter, are subject to the general requirements above as well as the following requirements: Large satellite dish antennas shall require development approval.
- a. *Residential Districts.*
    - i. Large satellite dish antennas are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
    - ii. The overall height of a large satellite dish antenna cannot exceed 12 feet.
    - iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be, a minimum of five feet tall at the time of installation.
  - b. *Non-Residential Districts.*
    - i. Satellite dishes, disks, etc. shall be located and painted to blend with the background as much as practical.
    - ii. Large satellite dish antenna are permitted only in the rear or interior side yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
    - iii. Roof-mounting is permitted only if the satellite dish antenna is screened by an architectural feature.
    - iv. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

## W. Shed

### (1) General Requirements.

- a. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.
- b. ADD SIZE STANDARDS
- c. ADD FOUNDATION REQUIREMENTS (FIXED FOUNDATION?)
- d. ADD PLACEMENT MODIFICATIONS IF NEEDED (BACK YARD ONLY, MUST BE 10FT FROM PRINCIPLE STRUCTURE< MADE OF PARTICULAR MATERIALS IN HISTORIC AREAS, ETC)

## W. Solar Panels.

### (1) General Requirements.

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

### (2) Building-Mounted Systems.

- a. A building mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof.
- d. Building-mounted solar panels may project up to two feet from a building façade and must be integrated into the structure as an architectural feature.

### (3) Freestanding Systems.

- a. A freestanding system is permitted only in the interior side, side, and rear yards.
- b. The maximum height of a freestanding system is eight feet provided it meets all other requirements of this subsection.

### (4) Co-Location. Solar panels may be co-located on structures such as wireless communication towers, light poles, and billboards.

## X. Swimming Pools and Hot Tubs.

- (1) No private swimming pool or hot tub, or portion thereof, including, but not limited to, aprons, walks, and mechanical equipment, integral to the pool, may be located within a front yard.
- (2) The outside edge of swimming and wading pools shall not be located closer than ~~five~~<sup>ten</sup> feet from the rear or side lot lines. Swimming pools are not limited to the 25% coverage of any yard area requirement.
- (3) Such swimming or wading pools shall be enclosed by a security fence at least four feet in height. A screened fence may be substituted for such security fence. However, no screened enclosure shall be located within any required front yard, nor nearer than five feet from any side or rear property line.
- (4) Swimming and wading pools are considered a customary accessory use.
- (5) A private swimming pool or hot tub must comply with all requirements of the Code of Ordinances.

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Y. **Wind Turbines (Private).** Private wind turbines are subject to the following requirements.

- (1) Wind turbines may be designed as either vertical or horizontal axis turbines with or without exposed blades, including designs that combine elements of the different types of turbines.
- (2) Wind turbines are subject to development approval.
- (3) Wind turbines are subject to the following height restrictions:
  - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. A taller height may be allowed by special use.
  - b. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
  - c. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within 10 feet of the ground.
- (4) Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than 10 feet to any lot line. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
- (5) All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

( Ord. No. 1445-17 , § 1, 7-11-2017; Ord. No. 1457-17 , § 1, 8-8-2017)

#### 9.4 ENVIRONMENTAL PERFORMANCE STANDARDS

All permitted, temporary, and special uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. **Noise.**

- (1) *Unlawful; definition.* It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud or raucous noise. The term "noise" means any sound which, because of its volume level, duration and/or character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons.
- (2) *Intent.* The provisions of this section are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life. It is not the purpose or intent of this section to regulate firearms of the usage therefore noise or sounds relating to the discharge thereof.
- (3) *Additional remedy—Injunction.* As an additional remedy the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in an area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

- (4) *Classification of use occupancies.* For purposes of defining "use occupancies" the following shall apply:
- a. All premises zoned as a residential category shall be considered residential uses;
  - b. All premises containing transient commercial sleeping quarters legally permitted shall be considered tourist uses;
  - c. All premises containing business where sales, professional, or other commercial use is legally permitted shall be considered commercial uses;
  - d. All premises where manufacturing is legally permitted shall be considered manufacturing uses.
- (5) *Maximum permissible sound levels by use occupancy.* No person shall operate or cause to be operated, any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table 9.5.1. The sound measurement shall be made at the apparent property line of the property generating the sound or 50 feet from the source, whichever is less.

**Table 9.5.1. Sound Level Limits**

| Use Occupancy Category             | Time                                                                                                                          | Sound Level Limit (dBA) |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Residential (non-holiday weekends) | 6:00 a.m.-10:00 p.m.                                                                                                          | 60                      |
|                                    | 10:00 p.m.-6:00 a.m.                                                                                                          | 55                      |
| Residential (holiday weekends)     | 6:00 a.m.-12:00 a.m.                                                                                                          | 60                      |
|                                    | 12:00 a.m.-6:00 a.m.                                                                                                          | 55                      |
| Commercial (weekdays)              | 6:00 a.m.-10:00 p.m.                                                                                                          | 65                      |
|                                    | 10:00 p.m.-6:00 a.m.                                                                                                          | 65                      |
| Commercial (weekends)              | 6:00 a.m.-12:00 a.m.                                                                                                          | 65                      |
|                                    | 12:00 a.m.-2:00 a.m.                                                                                                          | 65                      |
|                                    | 2:00 a.m.-6:00 a.m.                                                                                                           | 65                      |
| Manufacturing                      | At all times - no sound that is generated by a source facility shall be audible at the property line of said source facility. |                         |

- (6) *Construction or repair of buildings.* The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. ~~on weekdays~~ Monday through Saturday, except in case of urgent necessity in the interest of public health and/or safety, is prohibited. If the Planning and Development Department should determine that the public health and/or safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if the Planning and Development Department further determines that loss or inconvenience would not result to any interested party, permission may be granted

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for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is granted or during the progress of the work.

- a. No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

**B. Glare and Heat.**

- (1) Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot or parcel on which the use is located or activity is being conducted. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

**C. Stormwater Management.** See Article 13. All development must comply with local, state, and federal stormwater management ordinances.

**D. Vibration.** No earth borne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

- (1) Every use shall be so operated that the ground vibration inherently and recurrently generated will not exceed a 50 micro-inch vertical movement at the property line as measured by standard seismic equipment.

**E. Dust and Air Pollution.**

- (1) Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveyance of equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.
- (2) Every use shall be so operated as to prevent the emission into the air of dust or other solid matter, odor or fumes in amounts which exceed the maximum standards of the state board of health. Each non-residential facility in any district shall be so operated that the maximum concentration of particles taken at a 20-foot elevation at the building site, using a Particle Counting Filter, shall be no more than a reading taken at the same elevation on an adjacent parcel of land or lot.
- (3) Any use, activity, or operation shall at minimum comply with any applicable Federal, State, and local regulations.

**F. Discharge and Disposal of Radioactive and Hazardous Waste.**

- (1) *Definitions.*
  - a. Hazardous waste means waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or which may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored or treated or otherwise managed.
- (2) The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or

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waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

- (3) Every use shall be so operated as to prevent the discharge into any stream, lake or the ground of waste or other matter in amounts which will exceed the maximum standards of the state department of environmental protection and department of health and rehabilitative services.
- G. **Electromagnetic Interference.** Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.
- H. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.
- I. **Fire and Explosion Hazards.** Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

## **ARTICLE 10. NONCONFORMITIES**

### **10.1 INTENT**

- A. Within the districts established on the zoning map or amendments that may hereafter be adopted, there exists: lots; structures; uses of land or water and structures; and characteristics of use which were lawful prior to the adoption or amendment of these regulations, but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments. It is the intent of this Article to permit existing nonconformities to continue until they are removed, but not to encourage their continuance.
- B. It is further the intent of this section to ensure that nonconformities are not enlarged upon, expanded, intensified or extended, and are not used as grounds for adding other prohibited structures or uses elsewhere in the same district after the effective date of the ordinance from which these regulations are derived. Additionally, it is the intent of these regulations to ensure that changes in a nonconforming use shall be strictly controlled as specified herein.

### **10.2 NONCONFORMITIES**

- A. **Nonconforming Lots of Record.**
  - (1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the ordinance from which these regulations are derived. This provision shall apply even though such lot failed to meet the requirements for area and width that are generally applicable in the district.
  - (2) Yard dimensions and requirements other than those applying to the area and width of the lot shall conform to the requirements of the district in which such lot is located. In the event that setbacks or other site and building requirements cannot be met, the owner may apply for a variance.
  - (3) In any district, a conforming structure on a nonconforming lot of record at the effective date of the ordinance from which these regulations are derived may be expanded or altered; provided other requirements of these regulations are met. After the effective date of the ordinance from which these regulations are derived:



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- a. No lot or parcel may be so divided as to create a lot with width or area below [https://library.municode.com/fl/milton/codes/code\\_of\\_ordinances](https://library.municode.com/fl/milton/codes/code_of_ordinances) the requirements stated in these regulations; and
  - b. No lot or parcel or portion of a lot or parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these regulations.

**B. Nonconforming Uses of Land; Land with Minor Structures Only.**

- (1) Where, at the effective date of the ordinance from which these regulations are derived, the unlawful use of land exists which would not be permitted by the regulations imposed by these regulations, and where such use involves no individual, permanently-fixed structure, and no combination of permanently-fixed structures, the use may be continued as long as it remains otherwise lawful; provided:
  - a. No such nonconforming use shall be enlarged, increased, intensified or extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of these regulations;
  - b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or amendment of the ordinance from which these regulations are derived;
  - c. If any such nonconforming use ceases for any reason, except when governmental action impedes or denies access to the premises, for a period of more than six consecutive months, any subsequent use of such land shall conform to the requirements specified by these regulations for the district in which such land is located; and
  - d. No land with nonconforming uses shall be divided, nor shall any structure be added on such land, except for the purpose and in a manner conforming to the regulations for the district in which such land is located; provided, however, the division may be made which does not increase the degree of nonconformity of the use.

**C. Nonconforming Structure Requirements.**

- (1) Where a structure exists lawfully in a district at the effective date of the adoption or amendment of the ordinance from which these regulations are derived, but that could not be constructed in compliance with the terms of these Land Development Regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the structure (not including the use), such structure may continue to exist so long as it remains otherwise lawful, subject to the following provisions:
  - a. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any nonconforming portion thereof may be altered to decrease its nonconformity. Any conforming portion of such structure may be enlarged or altered in such a manner that is in conformance with the requirements of the revised Land Development Regulations;
  - b. Should such nonconforming structures or nonconforming portion of a structure be destroyed by any means to an extent of more than 50 percent of its just value at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of these regulations;
  - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved; and
  - d. Special exceptions to the provisions of this section may be granted by the board of adjustments to permit the enlargement, repair, expansion, replacement or intensification of existing

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nonconforming structures that exist in an area that is zoned for a lower class of use. Any enlargement, expansion or intensification of such structures shall meet the lot coverage, height, and setback requirements of the district in which such particular use is permitted.

**D. Nonconforming Use Requirements for Structures or Structures and Premises in Combination.**

(1) Where, at the effective date of adoption or amendment of the ordinance from which these regulations are derived, the lawful use of structures or of structures and premises in combination exist, which would not be permitted by the requirements imposed by these regulations, these structures may be continued so long as the use of the structure or the structure and premises remain otherwise lawful; provided the following shall apply:

- a. An existing structure devoted to a use not permitted by these regulations in the district in which such use is located shall not be enlarged, extended, constructed, re-constructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located. Nonconforming single-family residential uses which are owner-occupied may be reconstructed as a nonconforming use, but must be otherwise in accordance with the provisions of these regulations;
- b. The premises of a structure, where such structure is used for a nonconforming purpose, shall not be divided nor shall any structure be added on such premises, except for the purpose and in a manner conforming to the regulations for the district in which such premises is located;
- c. Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the time of the adoption or amendment of the ordinance from which these regulations are derived. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. A nonconforming use shall not be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for any such nonconforming use at the time of the adoption or amendment of the ordinance from which these regulations are derived;
- d. If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason, except where governmental action impedes or denies access to the premises, for a period of more than six consecutive months any subsequent use shall conform to the regulations for the district in which the use is located;
- e. Any structure or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed, nor shall any other nonconforming use be permitted; and
- f. Where nonconforming use status applies to a structure or structure and premises in combination, removal or destruction, as defined in this section, of a structure or structures shall not eliminate the nonconforming uses status of the land. Upon removal or destruction of the nonconforming structure, the use shall thereafter conform to the regulations for the district in which this land is located.

**E. Conforming Uses Not Altered by Change of Use or Development Activity.** An existing use or structure that is conforming to the requirements of these regulations and future amendments thereto, shall not be made to be nonconforming by the change of use or development activity occurring on abutting properties or those in proximity.

**F. Nonconforming Status Not Altered by Change in Characteristics of Use.** If characteristics of use, such as off-street parking, off-street loading, or other matters pertaining to the use of land, structures, or premises, are

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made nonconforming by these regulations as adopted or amended, no change shall thereafter be made to such characteristics of a use which increases nonconformity with these regulations. Changes may be made which do not increase, or which decrease, such nonconformities.

- G. **Nonconforming Construction to Continue with Valid Building Permit.** To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building for which a building permit has been issued prior to the effective date of adoption or amendment to the ordinance from which these regulations are derived. If actual construction has not begun under a permit issued prior to the effective date of the ordinance from which these regulations are 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 the requirements of these regulations.
- H. **Repairs and Maintenance.** Work may be done on any nonconforming structure or portion of a structure, or on any structure containing a nonconforming use, for a period of 12 consecutive months for ordinary repairs, or for the repair or replacement of 30 percent of the current just value of the structure; provided that the cubic area of the structure existing at the time the structure became nonconforming is not increased.
- I. **Nonconforming Structures Unsafe Due to Lack of Maintenance; Repairs Permitted to Make Structure Conforming.** If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repair or maintenance, and it is declared by any duly authorized city official to be an unsafe building, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.
- J. **Nonconforming Structures Unsafe for Other than Maintenance; Permitted to Repair without Making Structure Conforming.** If a nonconforming structure or portion of a structure, or any structure containing a nonconforming use is declared by any duly authorized city official to be an unsafe building or unlawful for reasons other than the lack of repair or maintenance, nothing in these regulations shall be construed to prevent the strengthening or restoring of such building or part thereof to a safe condition. Where such unsafeness or unlawfulness of the structure is the result of damage from destruction, the percentage of damage limitations set out in these regulations shall apply.
- ~~K. **Removal and replacement of mobile homes in nonconforming zones.** Mobile homes not conforming to the requirements contained in these regulations, may be removed and replaced with a new or improved unit for the owner's occupancy upon submittal of an application to the planning and development department for approval contingent upon compliance with the following requirements:~~
- ~~(1) The applicant must comply with the requirements of these regulations contained in this Article, specifically subsection 10-2(C), regarding replacement;~~
- ~~(2) The replacement unit must comply with all current local, state, and federal requirements; and~~
- ~~(3) The size and amount of utilities to residents and mobile homes in a nonconforming area may not be increased without the approval of the city manager or his designee.~~

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## ARTICLE 11. RESOURCE PROTECTION STANDARDS

### 11.1 ENVIRONMENTALLY SENSITIVE LANDS

- A. **Intent.** It is the intent of this article to provide specific requirements to ensure the protection and conservation of environmentally sensitive lands, including their natural functions.
- B. **Requirements.** Any development proposal containing environmentally sensitive lands (ESL), as herein defined, or development activity adjacent to ESL shall be classified as a major development for development review purposes. In addition to the requirements of this article all development activity within areas of

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special flood hazard must comply with the related requirements and provisions contained in Chapter 29 of the City of Milton Code of Ordinances, Floodplain Management.

- (1) The Planning and Development Department shall require that a jurisdictional determination be conducted in consultation with the ~~state~~ Florida Department of Environmental Protection (FDEP), ~~The Northwest Florida Water Management District (NFWMD) and/or and/or~~ the U. S. Army Corps of Engineers (USACE~~COE~~) within proposed development areas deemed to be potentially classified as wetlands. It shall be the responsibility of the developer to obtain such a jurisdictional determination.
- (2) During the platting of environmentally sensitive lands, the city will allow lot layout and setbacks to vary so that development can be clustered on the upland portions of the site. Any development occurring in wetlands areas must meet state and federal permitting requirements.
- (3) Site plans for proposed development activity must identify the location and extent of jurisdictional wetlands, ~~and~~ FEMA AE and V zones and the Special Flood Hazard Area (SFHA).
- (4) Where the alteration of wetlands is necessary to allow for the reasonable use of the property, the site plans must provide measures to maintain the natural hydrology of the wetlands, such as constructing roadway and/or driveway culverts.
- (5) In addition to the stormwater management requirements specified in Article 13, the applicable Best Management Practices identified by the Florida Department of Environmental Protection, shall be utilized during all construction activity.
- (6) The construction of any structure, whether for residential or other purposes, or any use which may in any way impair the flow of floodwater within a designated floodway are prohibited.

C. **Vegetative buffer requirements.**

- (1) The city shall protect and conserve the natural functions of wetlands and waterbodies through wetland and shoreline protection buffers. The buffer width of wetland and shoreline protection buffers may vary depending upon such factors as slope, elevation and vegetation ~~transition. The~~ transition. The minimum required buffers shall be as follows:
  - a. For existing cleared commercial projects along rivers, streams and regulated wetlands, a minimum 15-foot buffer is to be provided ~~at~~ 4. If there is a significant change to the project's scope of construction, development, or any considerable alteration of circumstance occurs relating to the current state and or use of the land, the buffer shall be increased to a 30-foot buffer of either natural, ~~or~~ planted native or City approved vegetation. Maintenance of the buffer shall be the sole responsibility of the ~~land owner~~ landowner or lease holder.
  - b. For new commercial projects on undeveloped land located along rivers, streams and regulated wetlands, a minimum 30-foot natural vegetative buffer shall be provided. Thinning of the underbrush without disturbing the land will be allowed. The definition of underbrush and method of removal of the underbrush shall be as defined by FDEP and USACOE;
  - c. For existing cleared residential property the same requirements as subsection C(1)(a), above, shall apply with a minimum 15-foot buffer and the area between the rear building setback line and the buffer shall be stabilized and/or grassed; and
  - d. For residential development on undeveloped land, the same requirements as subsection C(1)b. of this section, except the area between the rear building setback line and the buffer shall be stabilized natural vegetation and/or grassed.
- (2) Allowable development within wetlands and associated wetland buffers includes, piers, docks, elevated walkways, public picnic pavilions, public parks, gazebos, or structures approved and permitted by the FDEP and/or USACE~~COE~~ and an attendant 15-foot wide cleared path through the buffer for

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purposes of providing access to such structures to the extent that no fill, as defined by the FDEP, is placed within the sensitive lands and there is no disruption or compaction of the soil beyond what is necessary for the construction of the allowable development. No storage of fill or soil compaction from heavy equipment, or any spilling, storage, or disposal of concrete, mortar, paint, solvents, chemicals, or other potentially harmful substances is permitted within wetlands or wetland buffers.

- a. Encroachments are also permitted for roads, utilities and recreational crossings, consistent with permits issued by regulatory agencies.
    - i. The number of such encroachments shall be minimized by collocation of utilities, roads and other crossings.
  - b. The wetlands protection buffer shall begin at the state Department of Environmental Protection agency or the U. S. Army Corps of Engineers jurisdictional line, whichever is more landward.
  - c. In the absence of wetlands along rivers and streams, a buffer extending landward of the mean or ordinary high-water line, as applicable, shall be required as specified in subsection (1)(a) of this section.
  - d. The buffer zones shall consist of preserved native vegetation, including canopy, understory and ground cover whenever possible.
    - i. If there is no native vegetation on the site, a planted vegetated buffer as indicated in subsection (1)(a) of this section shall be required as part of the site development.
    - ii. Variances to the buffer requirements shall only be granted when the strict application of the requirements limits all reasonable use of the property as allowed by the future land use map. All allowable development and encroachments shall limit impermeable surface area and shall utilize stormwater BMP's, indicated in Article 12, whenever possible.
- (3) Where sufficient uplands exist to locate the proposed development in the upland portion of the site, the city may allow the transfer of development at the lesser of the future land use densities established on the future land use map, or the density established for the assigned zoning district in this Unified Development Code, from the wetland to the upland portion of the site. The transfer of density may occur provided all other plan provisions are satisfied regarding, but not limited to, upland and floodplain resource protection, compatibility of adjacent land use, stormwater management and setbacks. Transfer of development densities shall also satisfy the minimum lot size of the zoning district in which the lot is located.
- (4) Any new lots created hereafter will have enough buildable upland area to accommodate the level of development appropriate for the designated land use, so that wetland-impacts can be avoided and appropriate buffers accommodated.
- a. For lots existing prior to the adoption of the ordinance from which this article is derived, where sufficient upland does not exist to avoid a taking, development in the wetlands shall be restricted to allow the appropriate residential density use at the density of one dwelling unit per five acres.
    - i. In the event a parcel is less than five acres, a single-family dwelling will be allowed on each parcel, which existed prior to the adoption of the ordinance from which this article is derived.
  - b. Single-family dwelling development on existing parcels which are permitted pursuant to this policy that cannot meet the buffer requirements, may be reduced proportionately with the parcel dimensions.

- 
- c. For lots existing prior to the adoption of the ordinance from which this article is derived, where sufficient depth of the uplands do not exist, to avoid a taking, development shall be restricted to a single-family dwelling subject to a reduced buffer.
  - d. A lot lacking sufficient depth means a lot that is 100 feet or less. Such lots shall be subject to a minimum buffer of 15 percent of the depth of the lot. The buffer should be supplemented with a fence to further protect the wetlands. Access to the river, stream or wetland shall be limited to a 15-foot swath, which shall be maintained in grass or other pervious material.

### 11.2 BLACKWATER RIVER PROTECTION

- A. **Intent.** It is the intent of this article to provide specific development requirements to protect the Blackwater River, which is classified as an outstanding Florida water, to include its water quality and recreational resources. Furthermore, it is the intent of this article to protect the Blackwater River from encroachment by development activity.
- B. **Requirements.** The following protective measures shall be required, as applicable, for any development activity occurring in the vicinity of the Blackwater River:
  - (1) Septic tank systems, including drain fields, shall be prohibited within 150 feet of the Blackwater River. New septic tanks shall only be allowed in areas with soil conditions classified by the Soil Conservation Service (SCS) Soil Survey for the county as acceptable for septic tank absorption fields; provided such systems are setback a minimum of 150 feet from the Blackwater River. Any remaining septic tank systems located within this 150-foot buffer shall be systematically converted to the central sanitary sewer system.
  - (2) Specific development setbacks of 30 feet from the Blackwater River shall be required for both principal and accessory structures, for permitted and special uses within any district. Boathouses, piers, and elevated walkways, pavilions, gazebos and other substantially similar structures shall be exempt from this provision. Any nonconformities resulting from the application of this article shall comply with the requirements of Article 10, Nonconformities.
  - (3) Site plans for proposed development activity within 1320-feet of the Blackwater River's Mean High Water Line (MHWL) must identify the location and extent of jurisdictional wetlands, FEMA AE and V zones and the Special Flood Hazard Area (SFHA).

### 11.3. POTABLE WATER WELLHEAD PROTECTION

- A. **Intent.** It is the intent of this section to ensure the protection of the public potable water supply through the appropriate site of land uses in proximity to wellheads and adequate capping and/or securing of abandoned wellheads.
- B. **Development restrictions.**
  - (1) *Prohibited uses and development activities within the wellhead protection zone.* Development activities shall comply with all applicable federal, state, and regional regulations; specifically, the Florida Department of Environmental Protection (DEP) and the Northwest Florida Water Management District regulations governing allowable activities in proximity to wellheads. In order to protect water sources, including cones of influence, water recharge areas and water-wells, adverse land uses such as the following are prohibited within a wellhead protection zone:
    - a. Sanitary landfills;
    - b. Gasoline stations;

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- c. Wastewater treatment facilities; or
  - d. Other land uses which utilize, store or handle toxic or hazardous materials.
- (2) *Special restrictions on development allowed within the wellhead protection zone.*
- a. Stormwater management practices shall not include drainage wells for stormwater disposal where recharge is into potable water aquifers. Additional stormwater management requirements are specified in Article 13.
  - b. Where prohibited uses and development are proposed in areas with existing protected wells, these wells shall be abandoned, including adequate sealing, plugging and abandonment, according to F.A.C. Ch. 62-528.

#### 11.4 HISTORICAL RESOURCE PROTECTION

A. **Intent.** The intent of this section shall be to:

- (1) Establish a historic preservation board;
- (2) Identify regulated historic structures;
- (3) Set forth requirements for the protection and preservation of regulated structures;
- (4) Define a process for review and appeals; and
- (5) Encourage the listing of additional properties as [contributing](#) historic structures.

[\(6\) Authorize the historic preservation board to certify local designation of individual properties \(including buildings, structures, sites and objects\) as historically significant using the criteria established in Article 11.5 with property owner consent only.](#)

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B. **Historic preservation board.**

(1) *Established; membership.*

- a. Composition. The Milton Historic Preservation Board is hereby established by the city council. Any restoration or alteration of regulated historic structures will be presented to the board for review and issuance of a certificate of appropriateness prior to the issuance of a development order or building permit by the development approval authority. The board shall be composed of seven members who are city residents and/or persons who own property within the city, appointed by the city council considering the following:
  - i. A demonstrated interest in historic preservation;
  - ii. A professional mix that provides for expertise in the fields of architecture, planning, engineering, law, or finance, to the extent reasonable and possible; and
  - iii. Representation of the community at-large.

The board shall be provided staff support through the Planning and Development Department for the city.

- b. Terms; vacancies, removal. Members shall be appointed for a term of four years, except in the case of an appointment to fill a vacancy for the four-year period in which event the appointment shall be for the unexpired term only. Any member of the board may be removed from office by the city council in a regular meeting.
- c. Officers. The board shall elect from among its members a chairman and vice-chairman.

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(2) *Duties and procedures.*

- a. Purpose. The board shall have as its purpose the preservation and protection of buildings of historic significance. It shall be the board's duty to act upon plans for the alteration, renovation, or restoration of regulated historic structures to ensure conformance with the U.S. Secretary of the Interior's Standards for Rehabilitation. During the review process, the board shall also consider conformance to the development guidelines established for the city historic district.
- b. Plan submission procedure.
  - i. Required. Every application for development approval to alter, renovate, or restore a regulated historic building located in the historic district or buildings listed on the National Register which are located outside the historic district, shall be required to submit plans for the proposed work in sufficient detail to allow for review by the board.
  - ii. Plans defined; certificate of appropriateness. Plans for renovations to nonregulated historic properties may, at the owner's election, be submitted for review by the historic preservation board in order to obtain a certificate of appropriateness. As used herein, the term "plans" means drawings or sketches with sufficient elevations to show the architectural design of the building (both before and after the proposed work is done in the case of altering or renovating a building or structure), including proposed materials, textures and colors, and the site plan or site layout, site improvements of features such as walls, walks, terraces, landscaping, that meet the requirements of subsection 11.4(D), accessory buildings, signs, lights and other appurtenances.
  - iii. Board meeting; notice. Such plans shall be submitted to the Planning and Development Department, who will forward such plans to the historic preservation board. Upon submittal of an application for development approval to the Planning and Development Department, the applicant for any proposed development found to be under the jurisdiction of the historic preservation board, shall be notified of the time, date and place of the board's meeting. The applicant or authorized agent is encouraged to appear at the meeting at which the request is being considered by the board to review the alteration, renovation or restoration of the regulated historic structure which is under consideration.
- c. Review and decision. The board shall promptly review such plans and make a determination as to conformance with the Secretary of the U. S. Department of Interior's Standards for Rehabilitation.
- d. Notification; building permit. If the board finds the plans in conformance with the requirements of this section, a certificate of appropriateness will be issued. If the board does not find the plans in conformance, the applicant may resubmit plans to the board with the necessary changes, as specified by the board in its finding of nonconformance.
- e. Voting. Decisions may be rendered when a quorum is present, by a simple majority of the board members present and voting.

C. **Standards for rehabilitation of historic structures.** The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Regulated Historic Buildings and the City of Milton's Pattern Book are hereby adopted as review guidelines for the rehabilitation of regulated historic structures located within the city historic district, and those listed at the National Register, but located outside the historic district.

D. **Supplementary design review regulations.**

- (1) In the historic district, where a characteristic development pattern and distinctive architectural style have already been established, new development shall be planned to reinforce this special character. The early 1900's architectural style is the established theme for the historic district. In issuing land use

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certificates, the ~~downtown redevelopment board~~Community Redevelopment Agency shall review development plans, including exterior facades and sign construction and renovation, for conformance with the guidelines established in this section.

- (2) The adoption of guidelines herein are intended to provide flexibility in the development of property within the district in a manner which balances the interest of the property owner with the public's need for assurance that development will be orderly and aesthetically compatible with neighboring structures and historic resources.
- (3) Each development proposal within the historic district will be reviewed by the Community Redevelopment Agency and/or the Historic Preservation Board based upon the following guidelines:
  - a. Site planning. The historic character of the district shall be reflected as closely as possible in the site planning of new development. Site planning should also respect the precedents set by other buildings on a block. For example, the placement of new buildings on a lot should correspond to the setbacks, orientation, and spacing of adjacent buildings to ensure maximum consistency and compatibility of the overall streetscape.
  - b. Architecture. The early 1900's architectural theme is hereby established for the city historic district. The scale, height, massing, materials, textures, and colors of new buildings shall be compatible with those of existing structures to which such new construction or renovation is visually related. Architectural details which are similar to the details of adjacent existing buildings will have a unifying effect and are encouraged.
  - c. Landscaping. Landscaping and tree protection within the district shall be regulated in accordance with Article 12. New landscaping should be consistent with the existing landscape character of the district. Courtyard and sidewalk paving material shall be consistent with the neighboring areas. The use of brick as a paving material is encouraged. Walls and fences shall be consistent with the approved fencing materials. Where common or centralized solid waste containers are proposed, such facilities shall be screened with vegetation, fencing or other appropriate materials.
  - d. Fences. Subsection 9.3(N) controls.
  - e. Signs. Signs in the historic district shall be regulated in accordance with Article 16 and with the following specific requirements, or as otherwise approved by the development approval authority.
    - i. On residential structures, one non-illuminated name plate designating the name of the occupant of the property and other historical information of significance is allowed. The name plate should not be larger than 100 square inches and may be attached to the building or be freestanding.
    - ii. Sign patterns and colors have been established for use in the historic district. Sign patterns shall be colonial design, semi-custom sign patterns, or the equivalent. Sign colors include those specified in subsection D(4) for structures.
    - iii. Portable signs mounted on a trailer-type vehicle, and specifically designed to be temporary in nature are prohibited in the historic district.
    - iv. Within the historic district, signs projecting into or overhanging the public right-of-way are permitted subject to approval by the development approval authority, and are subject to removal on 30 days' notice if the city requires the space for any public purpose. Such signs shall be consistent with other sign criteria for the district and must be of a character and size consistent with the historic theme. Approval shall also be required for the hanging mount.

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- v. If the sign is to project over the state department of transportation's right-of-way (Caroline Street), approval would also be required of that agency prior to city approval.
  - vi. All other criteria will be regulated in accordance with Article 16.
- (4) Exterior structure colors. Historic period colors have been established for buildings in the historic district. These colors include, but are not limited to, Heritage Colors (authentic exterior colors for American buildings (1820-1920 by Sherwin Williams), or equivalent historic period colors by other paint brands.

**E. Incentives for preservation.**

- (1) Substantial rehabilitation (50 percent or greater of appraised value) of structures in flood zones is normally restricted; however, if a property is listed as significant on the Florida Master Site File, National Register, or by local designation, the restriction does not apply.
- (2) Owners of historic structures may petition the board of adjustment for a special exception for use, regardless of the zoning district. This allows buildings in residential districts to convert to office uses if the board of adjustment determines that the use is not injurious to the character of the neighborhood.
- (3) For designated properties, variances to parking requirements, lot size or other zoning requirements may be requested from the board of adjustment without proving a hardship. It must be shown that the granting of the variance will not injure the public health and safety of the area. Filing these types of petitions usually carries a fee, but this is waived for regulated historic structures.

**F. Appeals.** Decisions of the historic preservation board may be appealed to the city council, sitting as the community redevelopment agency as provided for in Article 3.

( Ord. No. 1455-17 , § 1, 8-8-2017)

**11.5 HISTORICAL AND ARCHAEOLOGICAL RESOURCE PROTECTION – (Conceptual only. Below language needs Legal Review and is under review by the Historic Preservation Board)**

**A. Intent.** It is the intent of this section to provide for the protection of historical archaeologically significant local resources within the city's jurisdiction, independent of the Milton Historic District. It is hereby declared that the protection, enhancement and preservation of properties, structures, artifacts, documents, memorabilia, and other physical assets of historical, archaeological, architectural, and/or cultural significance are in the interest of the public health, safety and general welfare of the residents of and visitors to the city. Therefore, this division is intended to:

(1) Effect and accomplish the protection, enhancement, and preservation and study of archaeological sites, properties, structures, improvements, landscape features, artifacts, and other physical assets located within the city which represent distinctive elements of the town's prehistoric, historic, architectural, and/or social character;

(2) Safeguard the city's history, heritage, and unique attributes;

(3) Foster civic pride and respect for the accomplishments of the past; and

(4) Protect and enhance the city's attraction of visitors and support and stimulate the economy from increased tourism.

**B. Local Historic resource designation procedures.**

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(a) Purpose and intent. This section provides mechanisms to promote historic preservation in the city by the designation of local historic sites and districts, and by the regulation of construction and demolition at local historic sites and within local historic districts independent from the Milton Historic District.

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(b) Criteria.

(1) To qualify as a designated local historic site or historic district, properties, individual properties, structures, sites and buildings, or groups of properties, structures, sites and buildings, the proposed site or district shall meet one or more of the following criteria:

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a. Is associated in a significant way with the life or activities of a major person important in Milton, Santa Rosa County, Florida or national history;

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b. Is associated with an historic event with significant effect upon the city, county, state or nation;

c. Is associated in a significant way with a major historic event whether cultural, economic, military or political;

d. Exemplifies the historic, political, cultural or economic trends of the community history;

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e. Is associated in a significant way with a past or continuing institution which has contributed to the life of the city;

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f. Portrays the environment in an era of history characterized by one or more distinctive architectural styles;

g. Embodies those distinguishing characteristics of an architectural style, period or method of construction;

h. Is an historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or

i. Contains elements of design, detail, material, or craftsmanship of outstanding quality or which represents, in its time, a significant innovation or adaptation to the Northwest Florida environment.

(2) A building, structure, site, or district will be deemed to have historic significance if, in addition to, or in the place of previously mentioned criteria, the building, structure, site, or district meets the historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places.

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(3) Properties not generally considered eligible for designation include cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the previously described criteria or if they fall within one or more of the following categories:

a. A religious property deriving primary significance from architectural or artistic distinction of historic importance.

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b. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.

c. A birthplace or grave of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life.

d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.

e. A property primarily commemorative in nature if design, age, tradition or symbolic value have invested it with its own historic significance.

f. A building, structure, site or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historic importance.

**C. Application for historic site or historic district designation.**

(1) Applications for historic or archaeological site or district status for privately-owned property may be initiated by only the property owner of a site. An incorporated homeowners, condominium or community association may apply for historic district status. Application for historic or archaeological site or district status for public property may be initiated by the applicable property owner only.

(2) By resolution of the town council, a fee shall be established and may be amended to cover the city's actual costs of reviewing and processing applications for historic designation. In addition, an application may require that funds be deposited in an escrow account to cover fees for consultants which may be hired by the department when needed to evaluate the eligibility of a property.

(3) Upon receipt of an application, the department shall conduct a preliminary evaluation of the application to determine whether or not the department has sufficient information to process the application and shall send a copy of the application by certified mail to the property owners of record. The department shall make the determination that an application is sufficient within 15 days working days of receipt of an application. If the application is not sufficient to process, the department shall specify what additional information is necessary.

(4) When an application is sufficient, the department shall prepare a designation report for consideration by the Historic Preservation Board which shall contain the following information:

a. Proposed legal boundaries of the local historic resource, archaeological site, or historic district;

b. An analysis of the historic or archaeological significance of the nominated property;

c. For those public buildings which have public access, an analysis of interiors with features of exceptional architectural, aesthetic, artistic or historic significance;

d. Any proposed specific land development regulations;

e. Any conditions beyond the standards contained in the Unified Development Code or conditions based on the development standards for historic districts and sites of section 27-2439.

**D. Public hearings required for local historic site or district designation.**

(1) After the department prepares the designation report, the board shall conduct a public hearing to evaluate and receive comments regarding the application. For each proposed designation of an individual site or district, and except as otherwise provided herein, the board is encouraged to obtain the approval of the owners of properties proposed for designation, by providing information on the benefits of designation. The owners of properties within a proposed local historic district shall be given an opportunity at the public hearing to object to the proposed designation.

(2) The department shall, by certified mail at least 15 calendar days prior to the public hearing, mail a copy of the designation report and a notice of public hearing to the property owners of record as determined by the most current Santa Rosa County property tax rolls then available. Refusal to accept this notice of public hearing shall not invalidate the hearing. In addition, all property owners of record, as determined by the most current Santa Rosa County property tax rolls, within a 500-foot radius of the nominated site or district shall be sent courtesy notice of the public hearing. However, failure to receive such courtesy notice shall not

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invalidate the hearing. Notice shall also be provided by publishing a copy thereof in a newspaper of general circulation within the town at least ten calendar days prior to the date of the hearing. All interested parties shall be given an opportunity to be heard at the public hearing.

(3) Upon the mailing of the designation report to the property owners, the city shall cease issuing permits for any new construction, alteration, relocation or demolition of the property which is the subject of a proposed designation. No permits shall be issued by the town until after the town council approves or denies the nomination for historic site or district status, or the application is withdrawn by the person or entity who has initiated the application.

(4) After the close of the public hearing, but no later than 45 calendar days following the close of the public hearing, the Historic Preservation Board shall vote at a public hearing and make its recommendation to the city council on the designation.

(5) The city council shall thereafter hold a public hearing following the same notice requirements set forth in subsection (d)(2) of this section.

(6) If the board recommends designation of a district, a vote of the property owners shall be taken prior to the public hearing before the town council. The town shall send by certified mail to each record owner a ballot, notification of the date the ballot is due back, and a self-addressed, stamped envelope. Each parcel as identified within the proposed district shall have one vote. The marked ballots shall be returned to the town clerk within 30 calendar days from the date of mailing of the ballots. Any ballots not returned within 30 days from the date of mailing shall be disqualified. A two-thirds majority of the votes cast and received by the clerk within the 30 days of mailing in favor of the district shall be a pre-requisite to the city council's designation of a district.

(7) At its public hearing, the city council shall consider the application, all relevant support materials, the designation report, the recommendations of the Historic Preservation Board and the criteria for designation, and may, at the conclusion of the hearing, adopt a resolution approving, approving with conditions, or denying the historic site or district designation. For property not owned by a governmental entity, a supermajority vote of the city council is required for designation. For single-family homes, the approval of the property owner is required for designation.

(8) Amendment or rescission. The town may amend or rescind any designation provided it complies with the same notice and public hearing requirements and other procedures used in approving the original designation.

- EP. Requirement for construction activity.** In the event that a proposed development plan has been identified by the Planning and Development Department to be in the vicinity of an archaeologically significant site, the department shall require the owner to alert construction personnel in regards to this information. If at any time, a potentially significant archaeological site or artifact is uncovered during the development process, the owner shall notify the city. The city shall contact and consult with the University of West Florida, Office of Cultural and Archaeological Research and/or other appropriate state officials to determine the significance of the resource and identify the need for mitigation measures.

## **11.6 TREE PROTECTION**

### **A. Heritage tree preservation.**

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- (1) Heritage trees shall be preserved within the city unless removal is mitigated as set forth below. All land uses shall comply with the requirements of this section. Heritage trees, determined to be dead and/or diseased to a point beyond recovery or to present a danger to persons or property by a certified arborist or Florida licensed landscape architect shall be exempted from the following requirements, in accordance with F.S. § 163.045.
    - a. Protective measures during construction activity shall be afforded to heritage trees consistent with the requirements contained in subsection 11.6(B)(8).
    - b. Any application to remove a heritage tree shall specify the location and size of such tree and detail the reasons necessitating its removal. Such applications shall be reviewed and acted upon by the Planning and Development Department.

**B. Protected Trees.**

- (1) *Intent.* It is the intent of this section to:
  - a. Provide for the preservation of protected trees;
  - b. Help preserve the environment's ecological balance;
  - c. Reduce heat and glare; and
  - d. Reduce the degrading effects of thermal pollution and storm water runoff. It is not the intent of this section to prevent the cutting of trees for agricultural purposes.
  - e. Protected trees shall be preserved within the city unless removal is mitigated as set forth below.
- (2) *Applicability.* This section shall apply to all land area and districts, excepting single-family and duplex residential uses and agricultural uses. All measurements of Caliper (dbh) shall be performed as defined in Section 2.2.  
Multi-stemmed or multi-trunk trees shall be measured and have their caliper/diameter at breast height (dbh) determined as follows:  
The square root of the sum of all squared stem caliper/dbh measurements and rounding to the nearest whole number.  
Example: If a tree, at four and one-half feet above the ground, contains three trunks/stems which measure 4 inches, 8 inches and 10 inches, the caliper/dbh would be:  $\sqrt{4^2+8^2+10^2} = \sqrt{16+64+100} = \sqrt{180} = 13.416$  inches. This number would then be rounded to the nearest whole number of 13 inches dbh.
- (3) *Exemptions.* The following trees are exempt from the provisions of this section:
  - a. Any tree located within utility easements and public rights-of-ways; which endanger the public safety and/or welfare; which interferes with utility service; which is required by a local, state or federal agency; or which is required to be removed to qualify for state or federal financial aid.
  - b. Any tree located on a residential property where an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect determines the tree presents a danger to persons or property, in accordance with F.S. § 163.045.
- (4) *Powerline easements.* The development approval authority may grant a waiver from the requirements of this section to the extent necessary to prevent interference with power company access on or to utility easements; provided that such waiver does not allow the unnecessary destruction or removal of heritage trees as defined above.
- (5) *Emergency exemptions.* During emergency conditions caused by a hurricane or other natural disaster, the provisions of this section may be suspended by direction of the City Manager or mayor until the

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end of the emergency period. Notice of such emergency suspension shall be posted at city hall and in a newspaper of local circulation.

- (6) *Permit required; contents.* No person shall cut down, destroy, remove, relocate or destructively damage or cause to be cut down, destroyed, removed, relocated or destructively damaged any protected tree without first obtaining a permit from the city as herein provided. The information to be provided by the owner shall include:
- a. The number, species, size and location of the affected protected tree; and
  - b. A brief statement of the reasons for the requested action.
- (7) *Application.* A permit application for the removal of a protected tree shall be made to the Planning and Development Department. Such application shall only be approved if one of the following conditions exists, as determined by the zoning coordinator.
- a. A site plan submitted by the applicant shows that a proposed structure, permissible under all applicable laws and regulations, can be situated on a subject parcel only if specific protected trees are removed or relocated;
  - b. The protected tree is located in such proximity to existing or proposed structures that the utility or structural integrity of such structures is materially impaired;
  - c. The protected tree materially interferes with the location, servicing or functioning of public utility lines or service; and
  - d. The protected tree obstructs views of oncoming ground traffic or otherwise creates a substantial hazard to such traffic, or where the removal of the protected tree is necessary to comply with state and federal requirements or is necessary to obtain state or federal financial assistance.
- (8) *Protection during construction.*
- a. During development activities, protected trees shall be safeguarded from activities which may injure or kill them.
  - b. At least 50 percent of the area within the drip line or the area within ten feet of the tree trunk, whichever is greater, shall be preserved in a natural state or provided with previous landscaping. Within this area the soil shall be maintained at its original grade with no trenching or cutting of roots allowed. Any land clearing activities done in this area shall be done by hand. Beyond ten feet of the tree trunk and within the drip line, a light fill of porous gravelly material up to six inches deep may be added but no grade lowering shall occur. To accomplish deeper filling a drainage system shall be installed within the area defined in the drip line of the tree and a drywall shall be constructed at a distance at least ten feet from the trunk of the tree before gravel and porous fill are added.
  - c. Within the drip line there shall be no storage of fill or soil compaction as from heavy equipment, or any spilling, storage, or disposal of concrete, mortar, paint, solvents, chemicals, or other potentially harmful substances.
  - d. All trees to be protected shall be staked or fenced and conspicuously flagged throughout the construction process. A minimum of 50 percent of the area within the drip line and/or the area within ten feet of the tree trunk, whichever is greater, shall be staked and conspicuously flagged.
- (9) *Review.*
- a. Permit applications for the removal of protected trees, including heritage trees, shall be made to the Planning and Development Department. The department shall have ten working days in which to review the site plan and permit application, and make a determination as to whether

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the proposed removal of the protected tree is consistent with the provisions of this section. Upon a finding that the site plan and permit application is consistent with the provisions of this section, a city development permit shall be issued.

- b. Upon finding that the site plan and permit is inconsistent with the provisions of this section, the Planning and Development Department shall notify the applicant in writing as to what action must be taken to conform the site plan and permit application to the requirements of this section.
- c. Additional requirements and review may apply within the Historic District and Community Redevelopment Areas.

(10) *Mitigation requirements.*

- a. All trees not considered heritage or protected, based on species or diameter, must be relocated or replaced on a two for one basis (two replacement trees for each removed) within all land uses and districts with the exception of single family and duplex uses. Heritage and Protected trees shall be replaced with an additional replacement tree required for every ~~two-inch~~two-inch gain in diameter over the protected or heritage size threshold as specified in 11.6(A) above.
  - i. Species recognized as an "invasive" exotic and those whose health is confirmed to be "fair" or worse as determined by the city's planning department working in conjunction with a certified arborist shall be exempt from mitigation.
- b. Where it is not possible to plant replacement trees onsite, tree impacts shall be offset by contributing to a mitigation fund used to plant new trees or for green-space enhancement projects in appropriate locations throughout the community. When every effort to incorporate existing trees into designs is exhausted and there is still not ample room within the project site for all of the required replacement plantings, the offsite mitigation fee shall be calculated using the formula found herein with a value of \$250.00 per replacement tree. (For example, a four-inch diameter tree that is replaced 2:1 would require a fee of  $\$250.00 \times 2 = \$500.00$ , while a 39-inch diameter heritage tree would be replaced 4:1 equal to  $\$250.00 \times 4 = \$1,000.00$ .) These values shall be used when seeking a tree removal permit. Unauthorized tree removal is prohibited and shall increase the required mitigation twice the rate applied to authorized removals. The table below provides the value of offsite mitigation fees including heritage trees.

**Table 11.6.1. On-Site and Off-Site Tree Mitigation Schedule**

| Tree Size | Cost to Mitigate Protected Trees (Ratios Incorporated) | Cost to Mitigate Heritage Trees (Ratios Incorporated) | Onsite Tree Replacement Schedule (# of Trees) |
|-----------|--------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------|
| 10        | N/A                                                    | N/A                                                   | 0                                             |
| 11        | N/A                                                    | N/A                                                   | 0                                             |
| 12        | \$500.00                                               | N/A                                                   | 2                                             |
| 13        | \$500.00                                               | N/A                                                   | 3                                             |
| 14        | \$500.00                                               | N/A                                                   | 3                                             |
| 15        | \$500.00                                               | N/A                                                   | 3                                             |
| 16        | \$750.00                                               | N/A                                                   | 3                                             |
| 17        | \$750.00                                               | N/A                                                   | 4                                             |
| 18        | \$750.00                                               | N/A                                                   | 4                                             |
| 19        | \$750.00                                               | N/A                                                   | 4                                             |
| 20        | \$1,000.00                                             | N/A                                                   | 4                                             |

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|    |            |            |    |
|----|------------|------------|----|
| 21 | \$1,000.00 | N/A        | 5  |
| 22 | \$1,000.00 | N/A        | 5  |
| 23 | \$1,000.00 | N/A        | 5  |
| 24 | \$1,250.00 | N/A        | 5  |
| 25 | \$1,250.00 | N/A        | 6  |
| 26 | \$1,250.00 | N/A        | 6  |
| 27 | \$1,250.00 | N/A        | 6  |
| 28 | \$1,500.00 | N/A        | 6  |
| 29 | \$1,500.00 | N/A        | 7  |
| 30 | \$1,500.00 | N/A        | 7  |
| 31 | \$1,500.00 | N/A        | 7  |
| 32 | \$1,750.00 | N/A        | 7  |
| 33 | \$1,750.00 | N/A        | 8  |
| 34 | \$1,750.00 | N/A        | 8  |
| 35 | \$1,750.00 | N/A        | 8  |
| 36 | N/A        | \$2,000.00 | 8  |
| 37 | N/A        | \$2,000.00 | 9  |
| 38 | N/A        | \$2,250.00 | 9  |
| 39 | N/A        | \$2,250.00 | 10 |
| 40 | N/A        | \$2,500.00 | 10 |
| 41 | N/A        | \$2,500.00 | 11 |
| 42 | N/A        | \$2,750.00 | 11 |
| 43 | N/A        | \$2,750.00 | 12 |
| 44 | N/A        | \$3,000.00 | 12 |
| 45 | N/A        | \$3,000.00 | 13 |
| 46 | N/A        | \$3,250.00 | 13 |
| 47 | N/A        | \$3,250.00 | 14 |
| 48 | N/A        | \$3,500.00 | 14 |
| 49 | N/A        | \$3,500.00 | 15 |
| 50 | N/A        | \$3,750.00 | 15 |

\*All trees greater than 50 inches DBH will use the same ratios for all columns.

C. **Tree Planting and Preservation—Off-Street Parking Areas.** The requirements of this section shall be in addition to the requirements of all other applicable sections of these regulations.

- (1) *Intent.* It is the intent of this subsection to provide for tree preservation and planting in off-street, paved parking areas and other development, to help preserve the ecological balance of the environment, to reduce heat and glare, to provide a buffer from street noise and incompatible land uses, and to reduce the degrading effects of thermal pollution and/or stormwater runoff.
- (2) *Applicability.* The following requirements shall apply to all land uses and districts within the city, with the exception of single-family and duplex residential and agricultural uses.
  - a. Tree planting. Any expansion of paved areas constructed or undertaken after the adoption of the ordinance from which these regulations are derived shall require the planting of a minimum of

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one tree, for each additional 1,000 square feet of pervious paved area or fraction thereof and three trees for each additional 1,000 square feet of impervious paved area or fraction thereof.

- i. The tree planting areas shall have the minimum width necessary to support the future growth of the specific tree planted. In no case, shall such width be less than width of the surrounding parking spaces if an island or less than 5 feet wide if provided elsewhere.
  - ii. Acceptable pervious materials are found in Subsection 13.5.
- b. Tree preservation.
- i. Credit schedule. Any existing tree with a crown located within the paved area or within ten feet of the parking area shall be eligible for credit toward the required tree planting, provided that the trunk is located within the property being developed.
  - ii. Where new or expanded paved areas are constructed, the following credit schedule may be applied for existing trees on-site which will be preserved. Such credits shall be subject to the approval of the Planning and Development Department.

**Table 11.6.2. Tree Credit Schedule**

| Diameter of Existing Crown Spread of Preserved Tree (in feet) | Diameter of Trunk of Preserved Tree (in inches) | Number of Trees Credited |
|---------------------------------------------------------------|-------------------------------------------------|--------------------------|
| 90 or greater                                                 | 36 or greater                                   | 7                        |
| 60—89                                                         | 30—35                                           | 6                        |
| 50—59                                                         | 26—29                                           | 5                        |
| 40—49                                                         | 20—25                                           | 4                        |
| 30—39                                                         | 13—19                                           | 3                        |
| 20—29                                                         | 8—12                                            | 2                        |
| 16—19                                                         | 4—7                                             | 1                        |

\*Crown spread measurements shall be rounded off the nearest whole foot, and the tree trunk diameter measurement shall be rounded off to the nearest whole inch.

- (3) *Reduction Schedule.* A reduction of required parking spaces in any zoning district in the city may be allowed when the reduction would result in the preservation of a tree with a trunk diameter of 12 inches or greater. The following reduction schedule shall apply:

**Table 11.6.3. Reduction Schedule**

| Number of Required Parking Spaces | Reduction of Required Parking Spaces Allowable |
|-----------------------------------|------------------------------------------------|
| 0—4                               | 0                                              |
| 5—9                               | 1                                              |
| 10—19                             | 2                                              |
| 20 or above                       | 10 percent                                     |

- (4) *Installation and protection.*

- 
- a. Where new trees are installed, a continuous curb or other acceptable means of protection shall be provided to prevent injury to both the tree trunk and to vehicles using the parking area. Such curb will be installed so that an unpaved ground surface around the tree trunk will be retained to allow percolation of water to the root system. Such unpaved ground surface shall include at a minimum the area within ten feet of the tree trunk or 50 percent of the area within the drip line, whichever is greater.
  - b. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient to allow percolation into permeable soil, shall be provided in the area defined by the drip line of the tree.
  - c. Trees shall not be located in such a manner as to create a hazard to automobile traffic either entering or exiting the parking area. Use of tree planting areas as elements of vehicular control (e.g., medians, traffic or parking separators, etc.) is encouraged.
- (5) *Tree replacement.* Any tree planted per the requirements of this section, which dies shall be replaced by the owner with a tree having a minimum diameter of three inches at time of planting within 60 days.
- (6) *Maintenance.* It shall be the duty of the property owner on whose land off-street parking or other vehicular use area is installed to provide proper maintenance of the landscape plantings. This includes, but is not limited to, the replacement of plants damaged by insects, diseases, other natural acts, vehicular traffic, or vandalism. Necessary replacement shall be made within a time period not to exceed 30 days after notification by a code enforcement officer or other designated City representative.

( Ord. No. 1959-20 , § 1, 1-12-2021)

## **ARTICLE 12. LANDSCAPING REQUIREMENTS**

### **12.1 GENERAL REQUIREMENTS**

- A. **Intent.** It is the intent of this Article to establish regulations for the placement of landscaping and trees within the city, in order to better control problems associated with flooding, soil conservation, air and noise pollution, and to make the city a healthier, safer and more beautiful place in which to live. It is further the intent of this section to establish landscaping requirements for all off-street parking areas and other developed areas. Justifications for such requirements include the following:
- (1) To aid in controlling vehicular and pedestrian traffic in parking areas;
  - (2) To enhance the community's ecological and aesthetic qualities; and
  - (3) To protect and enhance property values.
- B. **General Requirements.**
- (1) New Development on any parcel of land in any district, except for the construction of residential structures containing two dwelling units or less (unless a part of a larger planned development), and Redevelopment or a Change in Use which increases intensity or requires additional parking, are required to meet the following Open Space, Landscaping, and Screening Standards:
    - a. Generally, detention and retention ponds shall not qualify as landscape or open space area. However, retention and detention ponds less than three feet in depth may qualify as landscaped and open space area; provided that fencing requirements do not apply.
    - b. The total number of parking spaces required by this Unified Development Code may be reduced as determined by the appropriate development approval authority, to the extent necessary to comply with this section.
  - (2) Care of trees on public property. It shall be the City Manager's responsibility to administer a plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas.

### **12.2 LANDSCAPE PLAN REQUIRED**

A landscape plan is required as part of a site plan review application for multi-family, and non-residential (including mixed-use) development, and planned development projects. The landscape plan must be approved prior to the issuance of a building permit. Landscape plans must be prepared by a landscape architect or civil engineer licensed in Florida.

- A. **Contents of the Landscape Plan.** Landscape plans must contain a scale drawing showing and a description of the following:
- (1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, retention/detention facilities, and other drainage facilities, such as drainage swales.

- (2) The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed. All protected and heritage trees must be specifically identified on the plan.
- (3) The location, quantity, size, and name, both botanical and common, of all proposed plant material.
- (4) The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming must also be indicated using one foot contour intervals.
- (5) Elevations of all proposed fences, stairs, and retaining walls.
- (6) A certified irrigation-sprinkler plan. Plans including only those species identified as native and drought resistant and which do not require irrigation or watering in addition to what occurs naturally in this region, as verified by a landscape or civil engineer, shall not require a certified irrigation-sprinkler plan in lieu of submittal of a certified letter from the landscape or civil engineer to include a statement that the species identified in the plan shall not require irrigation or watering in addition to what naturally occurs in the region.
- (7) Any other details as determined necessary by the reviewing body.

B. **Minor Changes to Approved Landscape Plans.** Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Planning Director. Major changes must be approved by the body granting approval of the landscape plan initially.

### 12.3 LANDSCAPE DESIGN STANDARDS

#### A. Selection of Plant Materials.

- (1) Plant materials must be selected from the approved plant palette found on the Florida Friendly Plant List within the Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design as adopted and incorporated herein by reference. The Planning Director may approve plants not included in the list if the species are native or naturalized to the area, and capable of withstanding the seasonal temperature variations of the City of Milton, as well as the individual site microclimate.
- (2) The overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this section, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year.
- (3) All plant materials must be of good quality and meet the most current American Standard for Nursery Stock (ANSI Z60.1) published by the American Association of Nurseryman and approved by the American National Standards Institute, standards for minimum acceptable form, quality, and size for species selected. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that must be considered when selecting plant material.
  - a. Minimum plant size shall be as specified in the landscape plan in keeping with the general guidelines found in the following table.

**Table 12.3.1. Plant Type and Size Requirements**

| Plant Type               | Minimum Size at Planting    |
|--------------------------|-----------------------------|
| Broad Leaf Evergreen     | 6 feet in height; 3 in. DBH |
| Evergreen tree (conifer) | 6 feet in height; 3 in. DBH |

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|                               |                         |
|-------------------------------|-------------------------|
| Deciduous canopy tree         | 4 inches caliper at DBH |
| Small deciduous tree          | 1 inches caliper at DBH |
| Evergreen or deciduous shrubs | 18—24 inches in height  |
| Large Shrub                   | 36 inches in height     |

- b. Landscape materials shall be tolerant of specific site conditions.
- c. Existing healthy plant material may be utilized to satisfy landscaping requirements; provided it meets the minimum plant size specified in this section.
- d. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within one year.
- e. For the purposes of this Code, where shade trees are required, broad-leaf evergreens are considered a shade tree.
- f. Large shrubs are those shrubs that reach five or more feet in height at maturity. Small shrubs are those shrubs that may grow up to five feet in height if left unmaintained, but are generally maintained at heights of 18 to 36 inches.

- (4) Low impact site design and Xeriscape design practices, such as preserving existing native trees and vegetation, shall be used where appropriate and feasible.
- (5) Where appropriate, the use of drought tolerant plant material is preferred.
- (6) Additional requirements and review may apply within the Historic District and Community Redevelopment Areas.
- (7) The term "invasive plant species" includes those plants that grow quickly and aggressively, spreading and displacing other plants. Examples of invasive plant species include, but are not limited to, Kudzu vine and Chinese tallow. Plant materials shall comply with the following standards:
- (8) All landscape materials must be installed in accordance with the current planting procedures established by the American Association of Nurserymen. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

**B. Irrigation System Design Standards.**

- (1) Irrigation systems shall be designed to meet the needs of the plants in the landscape.
- (2) When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.
- (3) The Landscape plans and specifications shall identify the materials to be used and the construction methods.
- (4) The design shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces, and other non-vegetated areas, and off-site runoff.
- (5) The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.
- (6) The system shall be designed to use the lowest quality water feasible.
- (7) Rain switches or other devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated.

- C. **Species Diversity.** Diversity among required plant material is mandatory for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 12.3.3: Diversity Requirements, indicates the percentage of diversity required based on the total quantity of species being used. For example, if a development requires 45 shade trees, no more than 18 trees (40%) and no less than five trees (10%) can be of one species, and there must be a minimum of five different species within the 45 trees. When the calculation of plant diversity requirements results in a fraction, said fraction is rounded up.

**Table 12.3.3. Diversity Requirements.**

| Total Number of Plants Per Plant Types | Maximum Amount of One Species | Minimum Amount of One Species | Minimum Number of Species |
|----------------------------------------|-------------------------------|-------------------------------|---------------------------|
| 1—4                                    | 100%                          | N/A                           | 1                         |
| 5—10                                   | 60%                           | 40%                           | 2                         |
| 11—15                                  | 45%                           | 20%                           | 3                         |
| 16—75                                  | 40%                           | 10%                           | 5                         |
| 76—500                                 | 25%                           | 5%                            | 8                         |
| 500—1,000                              | 30%                           | 5%                            | 10                        |
| 1,000+                                 | 15%                           | 4%                            | 15                        |

D. **Maintenance.**

- (1) Landscape material depicted on approved landscape plans is considered a required site element in the same manner as structures, parking, lighting, and other improvements. As such, the property owner is responsible for the maintenance, repair, and replacement of all landscape material, fences, walls, steps, retaining walls, and similar landscape elements.
- (2) All landscape material must be maintained in good condition, present a healthy, neat, and orderly appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 60 days.

## 12.4 OPEN SPACE REQUIREMENTS

A. **General Requirements.**

- (1) All new development and redevelopment excluding attached and detached single family and duplex units shall be required to provide private permanently maintained open space(s) as provided herein.
- (2) Multi-Family Residential developments, regardless of the district, are required to maintain common spaces in addition to any required parking lot screening and buffer yards, which shall be usable outdoor areas for passive and active recreational uses to meet the needs of residents at the amount indicated in this subsection.
  - a. No space less than 400 square feet shall be counted as common space within a Multi-family Residential development.
  - b. Buffer yards and screening may be designed to incorporate common areas. Any additional width in usable buffer yards and/or screening areas above and beyond that required in Subsections 12.5 through 12.7, meeting 12.4(A)(2)(a) above, may be counted toward the required common space area.

- c. Common spaces must be equipped or designed to allow pedestrian access and seating and should be easily observed from the street or pedestrian circulation areas.
- (3) Required open space shall be provided on private property.
  - a. All usable open spaces shall require access and connections to sidewalks or other walkways.
- (4) Required buffer yards and landscape strips necessary for screening of parking and loading areas may be counted toward the required open space area.
- (5) Required Open Space Amenities.
  - a. Required open spaces in excess of buffer and strip requirements shall include at least two (2) amenities indicated in Table 12.4.1 per 1,000 sq. ft.

**Table 12.4.1. Required Open Space Amenities**

|                                                  |                               |
|--------------------------------------------------|-------------------------------|
| a. Bench or seating area.                        | b. Planters;                  |
| c. One tree (3" caliper at planting)/400 sq. ft; | d. Water feature/fountains;   |
| e. Decorative lighting;                          | f. Pavilions; and             |
| g. Decorative paving                             | h. Other Acceptable Amenities |

**B. Examples of Preferred Open Space Design Elements.**



**Table 12.4.2. Minimum Common/Open Space Requirements.**

|                                                                | R-1AA, R-1A, R-1 | R-2             | R-3                                                       |
|----------------------------------------------------------------|------------------|-----------------|-----------------------------------------------------------|
| Use/Structure Type                                             |                  |                 |                                                           |
| Multi-Family (including townhome and condominium developments) | Not Applicable*  | Not Applicable* | First 1—5 units: 1,000 sf; 100 sf/each additional 5 units |
| Non-Residential                                                | 65%              | 50%             | 50%                                                       |
| Mixed Use - Residential & Non-Res. with no live/work units     | Not Applicable*  | Not Applicable* | 1,000 sf + 75 sf/1,000 square feet of gross building area |
| Mixed Use - With 5 or more contiguous live/work units          | Not Applicable*  | Not Applicable* | 200 sf/dwelling unit                                      |
|                                                                | C-1              | C-2             | C-3                                                       |



|                                                         |                           |                                  |                                       |
|---------------------------------------------------------|---------------------------|----------------------------------|---------------------------------------|
| Non-Residential                                         | 40%                       | 35%                              | 30%                                   |
|                                                         | R-C1                      | D-CM                             | SSC-RC                                |
| All Development<br>(Except Single Family<br>and Duplex) | 25%                       | 20%                              | 40%                                   |
|                                                         | Mobile Home Park<br>(MHP) | Mobile Home Site<br>within a MHP | Mobile Home Site<br>outside of an MHP |
|                                                         | 30%                       | Not Applicable*                  | Not Applicable*                       |

\*Development projects involving five or more parcels will include Open Space Requirements regardless of Zoning District identified in the Planned Development Project

## 12.5 REQUIRED BUFFER YARDS

### A. Generally.

- (1) All New Development as well as Redevelopment and Changes in Use with the exception of single and two family dwelling units, in all Zoning Districts, except as provided in Section 12.7, which increase the intensity of land use or necessitate additional parking shall be required to conform to the following requirements:

### B. Streetscape Buffer Yards.

- (1) Streetscape buffer yards are required in conformance with the following:
  - a. A minimum twenty (20) foot wide landscaped strip running the full length of the street front comprised of:
    - i. Planted shade trees, meeting the requirements of 12.3, a minimum of one tree for every 35 feet of buffer yard length.
    - ii. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, must be planted for every 7 linear feet of buffer yard length, spaced linearly. Groupings may be an acceptable alternative.
    - iii. Grasses, perennials, and other approved ground cover shall be used in all spaces outside of tree and shrub areas.
    - iv. A minimum five (5) foot wide sidewalk as per Article 15.
    - v. "Street furniture," gathering spaces, and seating should be integrated into the streetscape buffer yard.
  - b. Alternative streetscape designs may be approved by the planning director.
  - c. On-site Stormwater management techniques such as bioswales and rain gardens are encouraged and should be incorporated into Streetscape buffer yard design.

### C. Side and Rear Buffer Yards. [\(Under Review by the Milton Planning Board\)](#) This section establishes standards for required buffer yards which do not abut a public right-of-way in any zoning district. These buffer yards are designed to separate uses through the provision of green space and sound dampening walls and fences.

- (1) Side and rear buffer yards are located within rear, side, and interior side yards, including the required rear or interior side setbacks, and must be reserved for the planting of material and installation of screening as required by this section.

- 
- a. No parking spaces or dumpster placement are permitted within a required buffer yard(s)
- (2) A buffer yard must be at minimum 10% of street fronting lot width. However, a buffer yard shall not have a width less than 10 feet and shall not be required to exceed 20 feet in width, [except as noted below](#).
- a. When a [proposed](#) non-residential use abuts a residential use in any residential or commercial district, there shall be a minimum [2545](#) foot buffer yard.
- (3) Buffer yards shall consist of both of the following elements: A [fence or sound attenuation](#) wall, constructed of approved materials to a minimum height of six (6) feet and to a maximum height of eight (8) feet, unless otherwise provided by these regulations, and the approved combination of landscaping materials.
- a. A Buffer yard, must at minimum be comprised of one shade tree planted for every 35 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than the equivalent of one per 35 linear feet of buffer yard length.
  - b. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, must be planted for every seven linear feet of buffer yard length, spaced linearly.
  - c. The remainder of the buffer yard must be planted in live groundcover, perennials, and/or grass.
  - d. Onsite Stormwater management mechanisms should be located within these required buffer yard areas.
- (4) Side and Rear Buffer Yards are required in conformance with the following:
- a. Where, in any district, a residential use abuts a mixed use or non-residential use.
  - b. Where, in any district, a multi-family development occurs.
  - c. Where a non-residential use is located within a residential district.
    - i. Park and recreational uses may require a solid masonry wall or other sound attenuation wall material.
  - d. Where a non-residential use within a non-residential district abuts a residential use.
  - e. Where a non-residential district abuts a residential district.
- (5) When the calculation of minimum buffer yard requirements results in a fraction, the fraction is rounded up to the nearest whole number.
- (6) When new commercial construction locates next to an existing residential use, the commercial use must provide the buffer yard. Conversely, if a new residential use locates next to an existing commercial use, the existing commercial use is not required to provide a buffer yard and is not considered nonconforming.
- (7) Natural and undisturbed vegetation, if determined by the development approval authority to satisfy the intent of this subsection, may be an acceptable alternative to the above if maintained in its natural state.
- a. Failure of the natural vegetative buffer to provide acceptable screening and buffering will result in a nonconformity. In this instance, the above buffer and screening requirements shall be met within 60 days. The land use initially requiring the buffer, as indicated in these regulations, shall be responsible for the maintenance and conformity upon failure of the natural vegetative buffer.

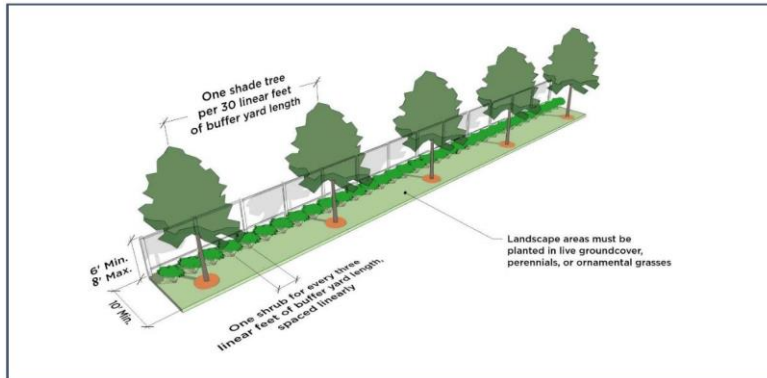


Figure 12.5.1. Example Rear Buffer Yard, Exceeding Code Requirements.

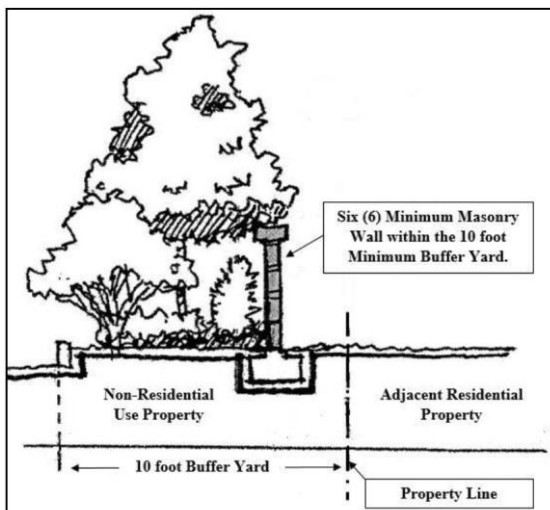


Figure 12.5.2. Side and/or Rear Buffer Yard Diagram.

- D. **Retention and Detention Ponds.** Retention and detention ponds required to have protective fencing, as per Article 13, i.e., greater than three feet in depth, shall be aesthetically screened from the public view by providing a landscaped buffer along the edge of the fencing. This buffer zone shall be landscaped with shrubs and trees at a minimum of one shade tree per 25 linear feet or shrub per five linear feet. The remainder of the buffer yard must be planted in live groundcover, perennials, and/or grass.

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## 12.6 PARKING LOT AND LOADING AREA LANDSCAPING

A. **Parking Lot Screening.** The following standards are applicable in all districts for all multi-family and non-residential development requiring parking lots which abut a public right-of-way, are designed or intended to accommodate 5 cars or more, and where redevelopment or a change of land use or intensity requires additional parking.

(1) Parking lot screening shall be accomplished by the following:

- a. A landscaped area a minimum of twenty (20) feet wide that shall run the full length of the street lot line, outside of the planned right-of-way.
  - i. A minimum five (5) foot wide sidewalk as per Article 15, is required at street lot lines, outside of the planned right-of-way. If a sidewalk exists prior to development, this requirement may be waved.
  - ii. There must be a minimum linear distance of 18 inches between any wheel stops or curbs to accommodate vehicle bumper overhang. This area may be included in the minimum landscape area calculation.
  - iii. Onsite Stormwater management techniques, such as rain gardens, bioswales, and others should be utilized within this area.
- b. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, shall be planted for every five feet of landscape area length, spaced linearly, or
  - i. A low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used instead of shrubs.
    - 1) Plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.
    - 2) The landscape area may be planted with a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height.
  - ii. Additional alternatives may be approved by the Planning and Development Department on a case by case basis, in keeping with the requirements of this subsection.
- c. One shade tree meeting the requirements of Subsection 12.3, is required every 30 linear feet.
- d. The landscaped areas outside of shrub masses, walls, and trees shall be planted in live groundcover, perennials, and/or grasses.
- e. On-site Stormwater management techniques such as bioswales and rain gardens are encouraged and should be incorporated into Streetscape buffer yard design.
- f. Alternative parking lot screening designs may be approved by the planning director.

B. **Loading Area Screening.** All loading areas shall be effectively screened from any adjacent residential use and from all public rights-of-way by one of the following:

- (1) A solid and attractive masonry wall, finished in the same materials used for the façade of the primary structure and a minimum four (4) foot wide landscaped strip providing at minimum shrub plantings meeting the requirements of 12.5(A)(1)(b).
- (2) A minimum six (6) foot wide landscaped strip meeting the Parking Lot Screening standards of 12.5(A).

C. **Parking Lot Interior Landscaping Requirements.**

- (1) All parking lots of 10 or more spaces require interior parking lot landscape as described in this section. When the calculation of interior parking lot landscape requirements results in a fraction, said fraction is rounded up to the nearest whole number.
- (2) One parking lot island must be provided between every 10 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 10 spaces.
- (3) The minimum total landscape area of a parking lot, including parking lot islands, must be at least 20% of the total parking lot area. Parking lot screening required along a street lot line, as provided in subsection A above, is excluded from the calculation of total parking lot interior landscape area.



Figure 12.5.2. Parking Lot Interior Landscaping Diagram.

- (4) All rows of parking spaces must terminate in a landscape area.
- (5) Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- (6) A minimum of one shade tree must be provided for every parking lot island or landscape area. The remaining area of a parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or grass.
- (7) Parking lot islands should include on-site stormwater management features such as bioswales, rain gardens, or other bio retention and infiltration areas. When a parking lot island is designed for stormwater management, the tree requirement may be exempted as part of landscape plan approval when such trees are not typically part of an acceptable design.

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## 12.7 ADDITIONAL LANDSCAPE AND SCREENING STANDARDS WITHIN THE R-C1, D-CM, AND SSC-RC SPECIAL ZONING DISTRICTS

### A. Generally.

- (1) The following standards are in addition to the above requirements and apply to all mixed-use, multifamily, and non-residential development within the R-C1, D-CM, and SSC-RC Zoning Districts. When these standards and requirements conflict with the above landscaping and buffer requirements, these standards take precedence within the various Special Zoning Districts.
- (2) The overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
- (3) Where screening is required by this section, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence no less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
- (4) Additional requirements and review may apply within the Historic District and Community Redevelopment Areas.

### B. Streetscape Buffer Yard.

- (1) New development and re-development and changes in use which increase the intensity of land use or necessitate additional parking shall be required to provide the following street scape improvements:
  - a. The provision of a minimum five (5) foot wide landscaped buffer yard the entire length of the street front.
  - b. A minimum of one deciduous canopy tree per 30 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered but every effort shall be made to have them evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
  - c. If no sidewalk exists along the street frontage, prior to development, the provision of a minimum five (5) foot wide sidewalk is required, but shall match adjacent sidewalks when greater than five feet wide.
- (2) Redevelopment and Changes in Use which, due to the nature of the existing lot, structures, terrain, and adjacent lots, structures, and terrain cannot provide the landscaped buffer yard to the extent as required by 12.7(B)(1) above, the following shall apply:
  - a. If hardship can be demonstrated based on terrain, site limitations, or other, the provision of open space, outdoor seating, planter boxes and pots, or other acceptable alternative may be utilized in lieu of the required landscaped strip and/or street trees, with development approval from the Planning Director and/or the City Manager,
    - i. Sites which require an alternative to street trees may utilize planter boxes, pots, street furniture, or other to substitute at the same required rate as tree plantings as indicated in 12.6(A) above.
    - ii. In situations where Street Trees can be planted they shall be planted in or adjacent to public rights-of-way at one tree for every 30 feet of street frontage.

- iii. Trees should preferably be located between the sidewalk and the curb, or in tree wells installed in pavement or concrete.

C. **Side and Rear Buffer Yards.** The side and rear buffer yard requirements of 12.5(C) apply unless existing site conditions can be demonstrated by the developer to preclude installation.

D. **Parking Area Screening.**

- (1) All parking and loading areas fronting on public streets, and all parking and loading areas abutting residential districts or uses shall provide:
  - a. A landscaped area at least five (5) feet wide along the Public Street or sidewalk which includes:
    - i. Screening at least three feet in height and no less than 50 percent opaque; and
      - 1) Required screening shall be satisfied by one or some combination of: a decorative fence no less than 50 percent opaque, a masonry wall, a hedge, or berm and continuous landscaped areas.
    - ii. One tree for each 25 linear feet of parking lot frontage.
  - b. If no sidewalk exists, prior to development, along the street frontage, the provision of a minimum five (5) foot wide sidewalk is required.
  - c. A ten foot wide buffer yard is required when the parking and/or loading area(s) abut a residential use, to include the requisite trees and shrubbery as per subsection 12.7(D)(a)(b).
- (2) Parking area interior landscaping. The corners of parking lots, parking lot islands, and all other areas not used for parking or vehicular circulation shall be landscaped.
  - a. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces should include architectural features such as benches, kiosks or bicycle parking.
  - b. Parking lot islands should include on-site stormwater management features such as bioswales, rain gardens, or other bio retention and infiltration areas.
  - c. In parking lots of more than 10 spaces, at least 25% of the parking area interior shall be landscaped.
    - i. In large parking lots containing more than 100 spaces, an additional landscaped area of at least 400 square feet shall be provided for each 25 spaces or fraction thereof, containing at least two canopy trees per area. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
      - 1) Large contiguous landscaped areas should include pedestrian friendly amenities including benches, kiosks, bicycle parking, water features, and/or other acceptable furnishings.
  - d. The use of pavers, or other acceptable permeable pavement systems is encouraged and may reduce required landscaping by up to 10 percent.

## 12.8 REVIEW, ENFORCEMENT, AND PENALTY

- A. **Permitting.** Permit applications for the removal of protected trees, including heritage trees, shall be made to the Planning and Development Department. The department shall have ten working days in which to review the site plan and permit application, and make a determination as to whether the proposed removal of the protected tree is consistent with the provisions of this section. Upon a finding that the site plan and permit application is consistent with the provisions of this section, a city development permit shall be issued.

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- B. **Inconsistencies.** Upon finding that the site plan and permit is inconsistent with the provisions of this section, the Planning and Development Department shall notify the applicant in writing as to what action must be taken to conform the site plan and permit application to the requirements of this section.
- C. **Enforcement.** No building permit shall be issued for any building or structure, unless exempt from the provisions of this section, until the developer has demonstrated through submission of a site plan to the Planning and Development Department that said development is in compliance with the requirements of this section. No certificate of occupancy shall be issued for any building or structure until a determination has been made by the Planning and Development Department that the development is in compliance with this section. Any site plan required by this section may be combined with any site plan required for lot coverage purposes. The site plan shall indicate all protected trees on the site and which protected trees shall be preserved and those proposed to be destroyed. If the development is subject to the requirements contained in subsection Q of this section; the site plan shall also indicate the location and type of landscape material.
- D. **Penalty.** Any violation of these regulations, including the failure to obtain or abide by the provisions of a permit, is declared to be unlawful; and whenever these regulations require the doing of any act, the failure to do the act is declared to be unlawful. The code enforcement officer may, in his discretion, pursue an enforcement action through the code enforcement board. The code enforcement board may establish a schedule of fines for the violation of this Unified Development Code.

## **ARTICLE 13. STORMWATER MANAGEMENT**

### **13.1 PURPOSE; JURISDICTION; APPLICABILITY; INTENT**

- A. **Purpose.** The purpose of this section is to provide a mechanism for the proper management of stormwater by ensuring that development activities do not adversely impact surface water and groundwater resources, and that adequate facilities are provided for the management of stormwater in terms of both quantity and quality.
- B. **Jurisdiction and applicability.** This section shall apply to all development and redevelopment activity within the city, with exemptions as noted below. Nothing in this section shall relieve the developer from complying with the state regulations in F.A.C. Ch. 62-25, and obtaining any required permits. Runoff calculations as required herein shall include stormwater originating in areas outside the city, which contribute to the total runoff for the site in question. The following exemptions and waivers shall apply:
- (1) *Exemptions from stormwater management plan submission:*
    - a. One single-family, duplex, triplex, or quadraplex structure; provided it is not part of a larger plan of development or sale and; provided that, in the opinion of the Public Works Director or his designee, the development will not increase the rate or volume of runoff from the residential lot or deposit pollutants or sediments beyond the boundary of the residential lot; and
    - b. Developments, which discharge into a permitted regional stormwater discharge facility, which can meet appropriate treatment criteria.
  - (2) *Emergency exemptions.* This section shall not be construed to prevent the doing of any act necessary to prevent material harm to real or personal property as a result of a present emergency. Emergency exemptions shall be reported consistent with the requirements of Article 3.
  - (3) *Waivers:*
    - a. A waiver of the stormwater management plan submission may be requested by submitting information, including:



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- i. The name, address, and telephone number of the developer and owner;
  - ii. A description and drawing of the proposed development;
  - iii. The location of the development; and
  - iv. Any other information requested by the city.
- b. The waiver may be granted if the information requested in subsection B(3)(a) of this section demonstrates that the development is not likely to:
- i. Significantly increase the rate or volume of runoff;
  - ii. Have an adverse impact on a wetland, watercourse, or waterbody; or
  - iii. Significantly contribute to the degradation of the water quality.
- c. Waivers of the stormwater management plan submission or requirements shall only apply to those developments, which limit the increase in impervious surfaces to 500 square feet or less and those that limit increases to 1,000 square feet or less of [approved](#) pervious [pavement](#) surfaces. If a waiver is provided, the owner assumes the engineer's responsibility.
- d. Waivers of the detention requirements may be requested for developments located near the point of charge of major watersheds; provided that, in the opinion of the City Manager or his designee, runoff from the development will not increase the potential for flooding downstream.
- e. No development shall be exempt from the stormwater treatment requirements, except as indicated in subsection B(1) of this section.
- f. The following types of development shall not be eligible for stormwater management waivers:
- i. Shopping centers;
  - ii. Other large Commercial and manufacturing facilities; and
  - iii. Roads and parking lots.

C. **Intent.** The implementation of this Article is intended to accomplish the following:

- (1) Provide for reasonable use and development of property with minimum adverse effects to the environment;
- (2) Minimize public and private property damage resulting from erosion, sedimentation, flooding, and other stormwater-related problems;
- (3) Protect, restore, and maintain the chemical, physical, and biological quality and quantity of surface water and groundwater;
- (4) Minimize the transport of sediments and other pollutants to receiving waters;
- (5) Ensure that stormwater management systems are designed consistent with accepted engineering practices;
- (6) Promote the use of natural drainage features for stormwater management and discourage the alteration of such features;
- (7) Encourage the use of swales or other natural retention/detention system to increase infiltration, settle suspended solids, and remove pollutants;
- (8) Encourage the construction of drainage systems, which aesthetically and functionally approximate natural systems;
- (9) Facilitate recharge of groundwater systems;

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- (10) Minimize adverse impacts from urbanization on the beneficial functioning of the hydrologic cycle;
  - (11) Develop interagency relationships with other governmental units involved in stormwater management;
  - (12) Require that developments be responsible for the provision of adequate stormwater controls in compliance with state stormwater requirements, or with more stringent requirements where necessary;
  - (13) Provide special protection measures for waters with special quality designations, such as the Blackwater River, which is designated as an outstanding Florida water;
  - (14) Ensure that future development and redevelopment activity complies with the city's adopted concurrency management system and related level-of-service standards;
  - (15) Ensure the continuing adequacy of stormwater management systems by requiring proper maintenance and by implementing an effective inspection and enforcement program; and
  - (16) Ensure the attainment of these objectives by requiring the approval and implementation of stormwater management plans for all activities, which may have an adverse impact upon community waters.

### 13.2 EROSION AND SEDIMENTATION CONTROLS

#### A. Introduction and Purpose.

- (1) During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates the repair of sewers and ditches, and the dredging of lakes. In addition, clearing grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for the citizens of the city.
- (2) As a result, the purpose of this local regulation is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the city.

#### B. Permits.

- (1) No person shall be granted a site development permit for land disturbing activity, without the city's approval of an erosion and sediment control plan. Land disturbing activities of one acre or more require a NPDES permit issued by FDEP.
- (2) No site development permit is required for the following activities:
  - a. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
  - b. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- (3) Permit submittal.
  - a. Each application shall bear the name and address of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, shall be accompanied by a filing fee and completed on a form acceptable to the city.
  - b. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control

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plan, and that a certified contractor shall be responsible to ensure full compliance with these Land Development Regulations.

(4) Review and approval.

- a. The city will review each application for a site development permit to determine its conformance with the provisions of this local regulation. Within 30 days after receiving an application, the city shall, in writing:
  - i. Approve the permit application;
  - ii. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of these regulation, and issue the permit subject to these conditions; or
  - iii. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and submission.
- b. Pending the preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the city.

(5) Use.

- a. No clearing, grading, cutting, or filling shall commence until erosion and sedimentation control devices have been properly installed and inspected by city staff in accordance with Subsection 13.6 between the areas to be disturbed and adjacent property, water bodies, watercourses, and wetlands.
- b. Minimal clearing and excavation required for the installation or erosion and sedimentation control devices is allowed.
- c. Erosion and sedimentation controls must be maintained until a permanent vegetative ground cover or other permanent controls are established. All disturbed areas shall be permanently stabilized through the establishment of ground cover upon completion of the development activities.
- d. All new residential construction shall require sodding of the entire disturbed area of the lot. A certificate of occupancy will not be issued prior to placement of the sod.

C. **Erosion and Sediment Control Plan.**

(1) The erosion and sediment control plan shall include:

- a. A natural resources map identifying soils, forest cover, and resources protected under other sections of these regulations;
  - i. This map should be at a scale no smaller than one inch equals 100 feet;
- b. A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping;
- c. All erosion and sediment control measures necessary to meet the objectives of these regulations throughout all phases of construction and permanently, after completion of the site's development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season;
- d. Sodding of all disturbed areas required. Types of sod, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures; and

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- e. Provisions for the maintenance of control facilities, including easements.
- (2) Modifications to the plan.
- a. Major amendments of the erosion and sediment control plan shall be submitted to the city and shall be processed and approved, or disapproved, in the same manner as the original plans.
  - b. Field modifications of a minor nature may be authorized by the city by written authorization to the permittee.
- D. **Design Requirements.** Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the city or the Florida Department of Environmental Protection's (FDEP's) Erosion and Sediment Control Manual, and shall be adequate to prevent the transportation of sediment from the site to the city's satisfaction.
- (1) *Clearing and grading.*
- a. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other sections of these regulations.
  - b. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the FDEP's Erosion and Sediment Control Manual shall be used to the city's satisfaction.
  - c. Phasing shall be required on all sites disturbing greater than ten acres, with the size of each phase to be established at plan review and as approved by the city.
  - d. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
  - e. Cut and fill slopes shall be no greater than 2:1, except as approved by the city to meet other community or environmental objectives.
- (2) *Erosion control.* No erosion shall be allowed such that soil is discharged from the site of the adjacent public or private properties. Should sand erosion occur, the discarded soil should be removed within 24 hours and the permittee shall be subject to penalties as set forth in subsection 13.2(F).
- a. Soil must be stabilized within five days of clearing or inactivity in construction.
  - b. If sodding has not become established within two weeks, the city may require that a non-vegetative option be employed.
  - c. On steep slopes or in drainage-ways, special techniques that meet the design criteria outlined in the FDEP's Erosion and Sediment Control Manual shall be used to ensure stabilization.
  - d. Soil stockpiles must be stabilized, covered at the end of each workday or surrounded with silt fence.
  - e. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - f. Techniques that divert upland runoff past disturbed slopes shall be employed.
- (3) *Sediment controls.*
- a. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls as necessary.
  - b. Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term stormwater management.

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- c. Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

(4) *Waterways and watercourses.*

- a. When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the city, the state department of environmental protection and/or the U.S. Army Corps of Engineers.
- b. When in-channel work is conducted, the channel shall be stabilized before, during and after work.
- c. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the FDEP's Erosion and Sediment Control Manual.
- d. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.

(5) *Construction site access.*

- a. A temporary access road shall be provided at all sites.
- b. Other measures may be required, at the city's discretion, in order to ensure that construction vehicles do not track sediment onto public streets, or washed into storm drains.

**E. Inspection.**

- (1) The city, or its designated agent, may make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the city's approval shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the city at least two working days before the following:
  - a. Start of construction;
  - b. Erosion and sediment control measures are in place and stabilized;
  - c. Site clearing has been completed;
  - d. Rough grading has been completed;
  - e. Final grading has been completed; and
  - f. Final landscaping.
- (2) The permittee or his agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and may be required to be submitted to the city at the time interval specified in the approved permit.
- (3) The city or its designated agent may enter the applicant's property as deemed necessary to make regular inspections to ensure the validity of the reports filed under subsection (E)(2) of this Subsection.

**F. Enforcement.**

- (1) *Stop work order; permit revocation.* In the event that any person holding a site development permit pursuant to these regulations violates the permit's terms, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or

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injurious to property or improvements in the neighborhood, the city may suspend or revoke the site development permit.

- (2) *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of these regulations. Any person violating any of the provisions of these regulations shall be deemed guilty of a civil infraction, and each day during which any violation of any of the provisions of these regulations is committed, continued or permitted, shall constitute a separate infraction. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine according to the category 3, Ordinance No. 1151-04 of the code enforcement for the city and shall be required to pay all costs of enforcement. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of these regulations shall be required to bear the expense of such restoration.

**G. Best Management Practices.**

- (1) Erosion shall be minimized and sediment retained on the development site through the application of the following best management practices and others, such as those outlined in *Stormwater Best Management Practice (BMP) Selection and Implementation* adopted by reference herein as a guide for Stormwater BMPs.
- (2) Allowable methods include, but are not limited to, the following:
- a. Limiting the amount of clearing necessary;
  - b. Staging clearing activities to minimize the total area cleared at any one time;
  - c. Temporary gravel construction entrances;
  - d. Straw bale barriers are permitted but shall not be used extensively;
  - e. Silt fences;
  - f. Storm drain inlet protections;
  - g. Temporary diversion dikes;
  - h. Temporary sediment traps and basins;
  - i. Temporary stream crossings;
  - j. Seeding and sodding so as to establish ground cover; and
  - k. Erosion control and seeding mats.

**H. Stormwater Sediment and Erosion Control Operation and Maintenance.**

- (1) *Introduction and purpose.*
- a. After the construction period, homeowners and site operators need to maintain proper ground cover and landscaping to prevent soil erosion by wind and water. Erosion of soils from established private homes and other sites endanger water resources by reducing the water quality and increases municipal expenses. Eroded soil necessitates the repair of storm sewers and ditches, dredging of stormwater ponds and lakes.
  - b. As a result, the purpose of this regulation is to safeguard persons, protect property, prevent damage to the environment, lower maintenance expenses and promote the public welfare by guiding, regulating and controlling the maintenance of proper ground cover and landscaping in the city.

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- (2) *Applicability.* These regulations shall apply to all property within the city limits, developed lands and undeveloped lands, unless explicitly exempted by an authorized enforcement agency.
- (3) *Responsibility for administration.* The city shall administer, implement, and enforce the provisions of these regulations. The powers granted and duties imposed upon the authorized enforcement persons or entities acting in the beneficial interest of or in the employ of the city shall be authorized by the city manager.
- (4) *General guidelines.*
- a. All soil erosion and stormwater runoff control facilities and measures shall be maintained in accordance with the permit conditions and acceptable maintenance procedures. All residential and commercial sites shall maintain sufficient ground cover and landscaping to prevent soil erosion by wind and water.
  - b. The person or organization responsible for the maintenance shall be the property owner (as designated in the current county tax roll), the occupant of the property and/or the person or organization designated in the soil erosion and stormwater runoff control plan and/or the permit applicant who submitted to the Planning and Development Department.
  - c. The stormwater sediment and erosion control maintenance responsibility shall fall upon one of the following options:
    - i. The property owner;
    - ii. The property owners association or other nonprofit organization; provided that provisions for the financing of necessary maintenance are included in deed restrictions or other contractual agreements; and
    - iii. The city, via dedication and acceptance by the city on the final plat.
- (5) *Maintenance agreement specifications.* If a maintenance agreement exists, it shall specify responsibilities for the financing maintenance and emergency repairs including, but not limited to, the procedures specified in these regulations.
- (6) *Decision of maintenance option.* The planning and development director, in agreement with the city manager, and the certified stormwater inspector, will make the final decision of what maintenance option is appropriate in a given situation. Natural features, proximity of the site to lakes, streams and protected wetlands, extent of impervious surfaces, size of the site and potential need for ongoing maintenance activities will be considered when making this decision.
- (7) *Easements.* The owners of all proposed developments which include stormwater management facilities or which are located on land containing or bordering a watercourse may be required to deed to the city adequate easements along such stormwater management facilities and/or watercourses in order to ensure proper access for inspection and maintenance.
- a. Stormwater management easements shall be provided by the property owner, if necessary, for:
    - (i) access for facility inspections and maintenance; (ii) the preservation of the stormwater runoff conveyance; (iii) infiltration; and (iv) detention areas and facilities, including flood routes for the critical 100-year storm event. The purpose of the easement shall be specified in the maintenance agreement signed by the property owner.
  - b. Stormwater management easements are required for all areas used for off-site stormwater control, unless the city grants a waiver.
  - c. The planning and development director shall record the easements with the county court clerk prior to issuance of a permit.

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- (8) *Dedication of stormwater management facilities.* Facilities which pass the final inspection required by Subsection 13.6(C) and which, in the city staff's opinion, would reasonably function as an integral part of the city maintained stormwater management system shall be dedicated to the city and thereafter shall be maintained by the city. The city shall not assume the maintenance of any facility, which is not designed or operating in accordance with this section.
- (9) *Stormwater management facility and warranty period.* The developer or owner will maintain all stormwater management facilities for a period of two years from approval. All defects, erosion, and design flaws will be corrected to ensure the property function before final acceptance by the city. The failure to maintain and comply with this warranty requirement will be enforced pursuant to section 3.6, and subsection 13.2(H)(16).
- (10) *Performance guarantees.*
- a. Applicants proposing subdivision plats, road construction projects, or other development identified by the planning and development director with a high potential for soil erosion shall be required to post a cash escrow, letter of credit, or other acceptable form of performance security in an amount determined by the planning and development director, the city manager, and the certified stormwater inspector.
  - b. Letters of credit, if used as a performance guarantee, shall extend for a minimum of the warranty period, but no less than one year with the option of renewal. Letters of credit will be returned to the applicant when the site is certified by the licensed professional who designed the site plan and the site is completely stabilized to meet the requirements set forth by the planning and development director.
- (11) *Construction certification by registered professional.*
- a. For any sites that required a professional site plan, a certification letter shall be submitted after soil erosion and stormwater runoff control facilities have been installed to affirm that the construction has been completed in accordance with the approved soil erosion and stormwater runoff control plan. This certification letter can be prepared by one of the following registered professionals:
    - i. Civil engineer;
    - ii. Land surveyor;
    - iii. Architect; or
    - iv. Landscape architect,Unless it was specified by the planning and development director that a civil engineer prepare the initial plan, then the certification would need to be the civil engineer that prepared the plan.
  - b. If there are changes during the course of construction, the planning and development director may require final "as-built" drawings for final approval of the site work.
- (12) *Certificate of compliance.* Upon receipt and approval of the certification letter, the planning and development director shall issue a notice of compliance to the property owner.
- (13) *Finished floor elevation.*
- a. Minimum finished habitable floor elevations (excluding basements) shall be eight inches above finished grade. If no sod is installed, the elevation shall be ten inches above finished grade. The finished grade shall be sloped downward from the foundation 2½ inches within ten feet or less including sidewalks, patios and driveways and then sloped a minimum 1/16inch per foot to a positive drainage outfall.



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- b. In all new subdivisions a sealed professional engineer's evaluation shall be required. The engineer's evaluation will include design data; calculations, drawings and applicable assumptions to establish the 100-year water surface profile for the area and shall be submitted to the city engineer. Upon review by the city engineer, a minimum finished habitable floor elevation of 14 inches above the expected 100-year water surface profile will be established and forwarded to the city Planning and Development Department where required.
  - c. In areas determined by the city to be flood-prone with documented high-water elevations, a minimum finished habitable floor elevation of 18 inches above the high-water mark will be established by the city engineer. The finished floor elevation requirements shall be verified prior to the issuance of a certificate of occupancy by a certified elevation letter from a registered land surveyor or registered engineer.

These regulations are adopted to attempt to reduce flooding to habitable areas of single-family residences. It is recognized that no regulation will guarantee that such flooding will not occur. These regulations shall not be construed to impose any duty or liability against the city in relation to the enforcement of these regulations or in relation to any flooding which may occur.

(14) *Inspections.*

- a. Authorized city representatives may enter at reasonable times upon any property to conduct on-site inspections. Such inspections may take place before, during, and after any earth change activity for which a permit has been issued.
- b. If upon inspection, existing site conditions are found not to be as stated in the permit or approved soil erosion, stormwater runoff control plan, or the stormwater pollution prevention plan (SWPPP), the city permit will be invalid. No earth disrupting work shall be undertaken, or continued, until revised plans have been submitted and a valid permit issued.
- c. Requests for revisions must be submitted to and approved by the planning and development director, in writing, before being effective, unless approved by the city field inspector on the site. If approved, a revised site plan shall be submitted for review and approval.

(15) *Stop work orders and emergency actions.*

- a. If necessary to ensure compliance with the permit requirements, standards, and other provisions of these regulations, or to protect the public health, safety and welfare, a city employee who is a state-certified stormwater inspector may issue a stop work order for the purpose of preventing or minimizing accelerated soil erosion, stormwater runoff, or other conditions posing imminent and substantial danger to public health, safety, welfare, or natural resources.
- b. If necessary to protect public safety or water resources, including lakes, streams, protected wetlands, and other receiving bodies of water, a city employee who is a state-certified stormwater inspector may, but shall not be required to, initiate emergency action to abate imminent and substantial danger and risk, subject to these regulations. No duty or liability of the city is created by this provision.
- c. Except as otherwise provided through maintenance agreements, the property owner may be held responsible for reimbursing the city for all costs incurred as a result of any emergency action, including administrative costs; provided that a finding is made that the property owner violated the provisions of these regulations, a permit, or an approved maintenance agreement, subject to these regulations.
- d. The stop work order, when issued, may require all specified earth changing activities to be stopped. A copy of the stop work order may immediately be submitted to other state and local agencies with regulatory jurisdiction.

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- e. If a city employed state-certified stormwater inspector determines that soil erosion and sedimentation of the waters of this city has or will reasonably occur from a parcel of land in violation of these regulations, the city may seek to enforce these regulations by notifying the person who owns the land, by mail, with return receipt requested, of the city determination. The notice may contain a description of the specific soil and sedimentation control measures which, if implemented by the property owner, would bring the owner into compliance. At a minimum, this may include the maintenance of a grassed yard on all single-family home sites and at all commercial/industrial developments.
  - f. A person who owns land subject to these regulations shall implement and maintain soil erosion and stormwater runoff control measures in conformance with these regulations within ten days after the notice of violation has been given as specified in subsection H(16) of this section.
  - g. Grassed areas and other areas of erosion control shall not be used for the parking or storage of materials or supplies.

(16) *Enforcement action.* The general provisions are as follows:

- a. All earth changes in the city, including earth changes exempt from permit requirements, are subject to the enforcement provisions and penalties of these regulations.
- b. A person who owns land on which an earth change has been made that may result in or contribute to soil erosion or sedimentation of state waters, including any and all conveyance systems connected between the site and state waters, shall implement and maintain soil erosion and sedimentation control measures that will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.
- c. The city may notify the state department of environmental protection of all violations of the state regulations regarding stormwater regulations.
- d. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense.
- e. A person who has not complied with these regulations and who, after notice, refuses to implement and maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine in accordance with category 3, Ordinance No. 1151-04 of the code enforcement of the city, plus the cost of prosecution.

### 13.3 STORMWATER MANAGEMENT PLAN REQUIREMENTS

Development which is not exempt, and for which a waiver has not been issued pursuant to Subsection 13.1(B), shall submit a stormwater management plan to the Planning and Development Department. The plan must be approved prior to the recording of a plat or the subdividing of land; the alteration of any existing drainage system; or the commencement of any development activity.

- A. **Preparation of Stormwater Management Plan.** The stormwater management plan shall be prepared by a professional engineer registered in the state practicing within his area of expertise.
- B. **Components of Stormwater Management Plan.** For all nonexempt development for which a waiver has not been obtained, a stormwater management plan must be submitted. This plan shall not be approved unless it clearly indicates that the requirements in this section will be met. The stormwater management plan shall contain, at a minimum, the following:
  - (1) The name, addresses, and telephone numbers of the owner and the developer. In addition, the legal description of the property shall be provided and its location with reference to such

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landmarks as major water bodies, adjoining roads, railroads, or subdivisions shall be clearly identified by a map.

- (2) The existing environmental and hydrologic conditions of the site and or receiving waters and wetlands shall be described in detail, including the following:
  - a. The direction, flow rate, and volume of the stormwater runoff under existing conditions and, to the extent practicable, predevelopment conditions;
  - b. The location of areas on the site where stormwater collects or percolates into the ground;
  - c. A description of all watercourses, waterbodies, and wetlands on or adjacent to the site or into which stormwater flows. Information regarding their water quality and the current water quality classification, if any, given them by the state department of environmental protection shall be included;
  - d. Groundwater levels, including seasonal fluctuations;
  - e. Location of floodplains; and
  - f. Description of vegetation, topography, and soils;
- (3) Proposed alterations of the site shall be described in detail, including:
  - a. Changes in topography;
  - b. Areas where vegetation will be cleared or otherwise destroyed;
  - c. Areas that will be covered with an impervious surface and a description of the surfacing material; and
  - d. The size and location of any buildings or other structures;
- (4) Predicted impacts of the proposed development on existing conditions shall be described in detail, including:
  - a. Changes in water quality;
  - b. Changes in groundwater levels;
  - c. Changes in the incidence and duration of flooding on the site and upstream and downstream from it;
  - d. Impacts on the quantity and quality of wetlands; and
  - e. Impacts on the quantity and quality of vegetation;
- (5) All components of the drainage system and any measures for detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:
  - a. The channel direction, flow rate, volume and quality of stormwater that will be conveyed from the site, with a comparison to existing conditions and, to the extent practicable, predevelopment conditions;
  - b. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of water quality in those areas;
  - c. Areas of the site to be used or reserved for percolation, including a prediction of the impact on groundwater quality;
  - d. A plan for the control of erosion and sedimentation which describes in detail the type and location of control measures, the stage of development at which they will be put into place

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or used, and provisions for their maintenance. The use of control measures must be in accordance with Subsection 13.2.

- e. Any other information which the developer or the city believes is reasonably necessary for an evaluation of the development; and
- (6) Construction plans and specifications for all components of the stormwater management system.

#### 13.4 PERFORMANCE AND DESIGN STANDARDS

A. **New Development.** The following standards shall be applied to all new and permitted stormwater management facilities:

- (1) *Stormwater treatment.* The first one inch of runoff from development and off-site contributing areas shall be treated, or the first 1½ inches of runoff for drainage areas greater than 100 acres.
  - a. The required treatment volume shall be recovered within 36 hours, following a storm event (72 hours with a safety factor of two).
  - b. Soil percolation rates shall be conclusively verified by a geotechnical report, soil survey or other methods acceptable to the city.
  - c. When under drains or side drains are utilized, the filter media shall conform to the following criteria:
    - i. Permeability rate of 1.5 to 5.0 feet per hour;
    - ii. Less than one percent silty clay and organic material;
    - iii. Uniform coefficient of 1.5 to 4.0;
    - iv. Effective grain size of 0.22 to 0.55 mm in diameter; and
    - v. Media shall be tested by a certified testing lab and the results provided to the city for approval prior to installation.
- (2) *Stormwater facilities.*
  - a. Detention facilities shall provide storage and retention for all critical storm events, up to and including, the 100-year, 24-hour storm event.
  - b. Discharge from the detention facilities shall be limited to pre-development runoff rates for all storm events, up to and including, the 100-year storm event.
  - c. One foot (minimum) of freeboard above the maximum calculated high-water elevation shall be provided for all detention facilities, unless in the opinion of the City Manager, with the concurrence of the city engineer and planning and development director, a reduction in the freeboard will not increase the potential for erosion, flooding, or other stormwater related problems.
  - d. Bank slopes shall be limited to 3:1 slopes for city maintained facilities. Bank slopes greater than 3:1 may be used for private developments only with city approval.
  - e. An emergency overflow shall be provided for all stormwater facilities. Overflows shall be protected by concrete, riprap or other acceptable stabilizing material, which will prevent the failure of the embankments during catastrophic storm events.
  - f. The calculation of peak runoff rates for predevelopment conditions shall utilize the FDOT drainage manual, TR55 or other applicable formulas acceptable by the city for calculating time of concentration.

- g. Exfiltration systems may be used for private developments only.
- h. Discharge facilities shall include a baffle, skimmer, grease trap, or similar mechanism.
- i. Off-site treatment of stormwater is allowable if:
  - i. It is not practicable to use on-site facilities, due to area limitations or other unique circumstances;
  - ii. The conveyance system from the site to the off-site treatment facility has the capacity to convey the amount of stormwater runoff required to be treated by Subsection 13.4(A)(1) and,
  - iii. The off-site treatment facility has the appropriate design and capacity to treat the anticipated stormwater runoff in accordance with the standards established in Subsection 13.4(A)(2).
- j. Small scale stormwater management practices, non-structural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources must be given preference. Only when it is necessary is the use of a structural BMP warranted.
- k. Bio-retention Basins, also known as Rain Gardens, should be utilized whenever possible. Partial exfiltration systems can be utilized as well. For sites which contain less than 1,000 square feet of impervious surface, alternatives to stormwater detention or retention facilities that utilize landscaped buffers or natural area as a means of attenuating rate of runoff, are encouraged. The use of on-site stormwater management techniques such as bio-retention basins and others, shall follow the City of Milton Bio-retention and Conveyance Systems Design Guidelines, incorporated herein by reference and attached hereto in Appendix B.

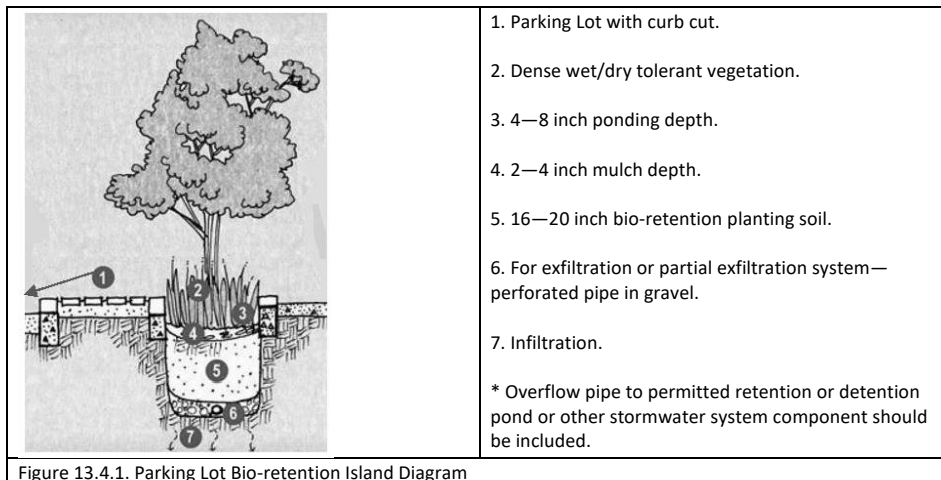


Figure 13.4.1. Parking Lot Bio-retention Island Diagram

- l. Use of wetlands for stormwater discharge may be permitted as allowable by F.A.C. Ch. 62-25.
- m. Stormwater treatment facilities shall be designed per F.A.C. § 62-25.025 (1-5).

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- n. The developer may be required to design stormwater management system to function in accordance with these regulations after all uphill property has been developed.
  - o. All stormwater management facilities shall be designed and constructed to have a minimum 25-year life with replacement to be the responsibility of the owner of the facilities. Facilities that fail will be required to be redesigned or reengineered.
  - p. In phased developments, the stormwater management system for each phase must be able to function independently.
  - q. The use of natural drainage systems is required, to the maximum extent practicable.
  - r. The alteration of natural drainage systems, such as dredging, clearing, widening, etc. shall be prohibited, unless no reasonable alternatives exist.
  - s. Detention/retention areas whose banks have slopes steeper than 3:1 ratio and/or 3 feet deep, shall be fenced and shall comply with the landscaping requirements of Article 12.
  - t. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the banks of all detention/retention areas.
  - u. Retention may be used for private development only with the city's approval.
  - v. A maintenance plan shall be provided for all privately owned and maintained stormwater management systems. The maintenance plan must be approved by the city and acknowledged by the owner. The stormwater management system shall be maintained in perpetuity by the owner or his assigns or successors in accordance with the maintenance plan.
  - w. All city maintained ponds five feet and deeper shall have maintenance ramps designed at 6:1 slope. The maintenance ramp shall be located in close proximity to the maintenance access point.
    - i. There shall be a minimum ten-foot area between the lip of the pond and the pond fencing and/or site property line. The ten-foot buffer area shall have a slope no steeper than ten-foot horizontal to one-foot vertical. While the buffer area may be used in the pond maximum capacity and/or freeboard calculation, the buffer area shall not be used as a part of the one-inch retention.
  - x. All ponds shall be required to have a positive discharge which shall be in the form of a weir or other impervious flow control device that provides a course for overflowing stormwater to exit the pond without damage to the pond banks.

(3) *Underground stormwater system standards.*

- a. Generally. Underground stormwater seepage systems may be permitted in all zoning districts upon city staff approval to accomplish stormwater retention and percolation requirements provided those systems are designed for the prevention of clogging by fine material and for ease of clean with conventional sewer cleaning equipment.
- b. Design criteria.
  - i. Underground stormwater treatment systems shall be designed by a licensed professional engineer.
  - ii. Underground stormwater treatment systems shall be designed so as to accept a retention volume calculated for two inches of runoff from all contributing impervious areas.
  - iii. A system overflow outfall shall be required.

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- iv. The bottom of the stormwater treatment system shall be constructed a minimum of one foot above the estimated high groundwater elevation. The estimated high groundwater elevation and a modeled recovery analysis shall be performed by a licensed geotechnical engineer.
  - v. Filtration media shall consist of a gravel or river rock to be approved by city staff. A limestone based or crushed concrete media is not permitted.
  - vi. A pretreatment structure shall be incorporated to remove all debris and sedimentation from the stormwater runoff prior to entering the ex-filtration system.
  - vii. Proper inspection and maintenance access ports/manholes shall be installed on all structures and ex-filtration termination points.
  - viii. The design shall meet such site or project-specific additional criteria as the director of public works may require.
  - ix. The design shall not allow or permit the grade of the site to be elevated above two feet from the existing grade of the adjoining properties or adjoining right-of-ways.
- c. Inspection and maintenance criteria.
- i. Upon initial construction completion, an "as-built" drawing confirming that the stormwater treatment system was constructed according to the city approved drawings shall be signed and sealed by the engineer of record and submitted to the city public works department.
  - ii. Inspection, maintenance, and testing procedures (including report forms) shall be provided by the engineer of record and submitted to the city for approval, and approved by the city, before a permit is issued.
  - iii. Monthly inspections shall be performed by responsible party and findings logged and/or recorded. Monthly inspection logs shall be submitted annually to the city public works department.
  - iv. Routine maintenance and cleaning operations shall be performed and logged and/or recorded. Maintenance and cleaning logs shall be submitted annually to the city public works department.
  - v. A volume test shall be performed on the underground stormwater treatment system and an engineer certified volume test report, satisfactory to the city, submitted every three years to the city public works department.
  - vi. As a means of ensuring the future maintenance, repair, or replacement of the underground stormwater treatment system, the owner of the property shall be required to enter into an agreement suitable for recording in the public records, which shall run with the land and bind future owners of the property, reflecting the owner's responsibility to perform future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, and in addition the owner's responsibility to pay for such future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, regardless of by whom the future maintenance, repairs, or replacement is performed. The city shall have the right, but not the obligation, to perform or have performed future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, and the property owner shall be responsible for the costs of such future maintenance, repairs, or replacement, the recorded agreement referred to herein shall reflect this obligation of the property owner.

(4) *Conveyance systems.*

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- a. Stormwater conveyance systems shall be designed to accommodate all critical duration storm events, up to and including, the 25-year, 24-hour storm event.
  - b. All curb and gutters shall have a minimum slope of 0.30 percent.
  - c. Conveyance pipes shall be sloped to achieve a minimal scouring velocity of two feet per second.
  - d. Energy dissipaters, riprap, or other energy dissipating devices acceptable by the city shall be utilized at all discharge points into or out of the stormwater management facilities where velocities may create erosion problems.
  - e. Gutter spread shall not exceed one-half of the driving lane width. Clarification: Gutter spread calculations shall be based on the five-year design storm.
- (5) *Permits.* The following permits shall be obtained, prior to approval by the city of the stormwater management plan:
- a. A general permit for new or modified stormwater discharge facilities from the state department of environmental protection;
  - b. A drainage connection permit from the state department of transportation for developments discharging into state owned rights-of-way; and
  - c. An NPDES permit from the United States Environmental Protection Agency for developments of one (1) acres or more.

- B. **Non-Conforming and Existing Development.** Developments existing or permitted prior to the effective date of this code and which are not in conformance with the provisions of these regulations may be continued, subject to the following conditions:
- (1) Developments, which are not exempt under Subsection 13.1, may not be expanded, altered, or redeveloped to the extent that impervious surface area is increased by more than 10 percent or 500 square feet, whichever is less.
  - (2) Developments, which are not exempt under Subsection 13.1, may not be expanded, altered, or redeveloped to the extent that an approved pervious surface area is increased by more than 25 percent or 1,000 square feet, whichever is less.
  - (3) The Performance and Design Standards identified in 13.4(A) above, for new development, shall apply to all construction and redevelopment projects where the construction value exceeds 50 percent of the assessed value of the improvements detailed on the most current tax assessment role. Building phases shall be combined to determine applicability of the 50 percent threshold criteria.
    - a. The stormwater management requirements, for the redevelopment, renovation, or additions to existing buildings, which exceed the limits of 13.4(B)(1) and 13.4(B)(2) above but are below the 50 percent threshold of identified in 13.4(B)(3), shall be the retention onsite of the first one-half inch of stormwater runoff from all impervious surfaces.
    - b. The stormwater retention requirements of this section shall be accomplished by utilizing surface, including bio-retention techniques and/or underground stormwater facilities.
    - c. These stormwater management requirements for the retrofit of existing development do not allow properties constructed in conformance with the requirements for the first inch of retention to revert to a lesser requirement.
  - (4) If a development is destroyed by any means, including fire, wind, and flood, to an extent of 50 percent or more of its assessed value, reconstruction shall be in conformance with the requirements of 13.4(A).



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(5) If the use of a development, which is not exempt under Subsection 13.1, is discontinued for six consecutive months, any future nonexempt use must conform to the provisions of this section; provided the requirements do not make the development unusable. In such case, a waiver may be requested in accordance with Subsection 13.1.

(6) Non-Residential Retrofits and Incentives.

- a. For those non-residential developments existing or permitted prior to the effective date of this code and which are not in conformance with the provisions of these regulations may undertake effective retrofitting of onsite existing stormwater facilities in order to improve surface runoff conditions.
- b. Stormwater facility improvements demonstrating increased retention/detention and reduced runoff may apply for a stormwater fee credit which may result in a stormwater utility fee reduction for the life of the improvements.
  - i. Construction of any new stormwater facilities described above shall meet the performance and design standards of this Subsection 13.4(A).
- c. Approved methods of stormwater retention and runoff reduction may include but are not limited to the installation of approved pervious pavements, green roofs, bio-retention basins, raingardens, planter boxes, cisterns, buffer areas, detention/retention pond installation and/or expansion, and increased open space.
  - i. Reductions in impervious surface area, provided that the reductions do not create a violation of any other applicable component of these regulations, shall receive the greatest reductions in stormwater utility fees.
- d. Reductions of runoff amounts or retention onsite of up to the first one-half inch of stormwater runoff shall result in up to a 50 percent reduction in the stormwater fee. Reductions of runoff amounts or retention onsite of amounts greater than the first one-half inch of stormwater runoff shall result in up to a 100 percent reduction in the stormwater fee.
- e. It is the responsibility of the applicant for any stormwater fee reduction to demonstrate the effectiveness of the stormwater runoff improvements. The extent of stormwater runoff reduction and method used will determine the level of demonstrated effectiveness required.

C. **Performance Standards for the Downtown Commercial Mixed-Use District.**

- (1) In recognition of the existing developed density of properties within the central business district, special stormwater retention requirements are provided for the development or redevelopment of these properties as follows.
- (2) On properties within this district the stormwater retention requirement shall be either:
  - a. The provision of onsite stormwater detention or retention of, at minimum, the first one-half inch of stormwater runoff from all impervious surfaces in surface or subsurface facilities, if and only if it can be determined by a certified engineer that the first one inch of stormwater runoff retention cannot be accomplished without undue harm or hardship; or
  - b. The payment to the City of a fee, in lieu of stormwater management to be equal to the cost of providing stormwater detention facilities. These fees are to be earmarked and utilized by the city for construction and improvements to capital facilities of the offsite stormwater management system within the City drainage basin. Such cost estimates shall be certified by a registered engineer. The Board of Appeals shall act to resolve any conflicts or disputes regarding the appropriate fee in lieu of on-site stormwater management.

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- (3) Development in the Historic District and/or the Community Redevelopment Areas may require additional approval.

### 13.5 INSPECTIONS

The following types of inspections shall be conducted by the city staff in order to ensure that stormwater management is accomplished in accordance with this section:

- A. **Initial inspection.** The purpose of the initial inspection is to verify the site-related information in the proposed stormwater management plan and to note any potential problems related to stormwater management or the control of erosion and sedimentation. The initial inspection shall be required prior to the approval of any stormwater management plan. The city manager or his designee, however, may waive the requirement for an initial inspection for a small residential development submitting a stormwater management plan pursuant to subsections 13.1 and 13.3.
- B. **Erosion control inspection.** The purpose of the erosion control inspection is to ensure that the proper erosion and sedimentation controls have been installed in accordance with subsection 13.2 and the developments approved stormwater management plan. The erosion control inspection is applicable to all developments, which are not exempt from implementing erosion and sedimentation controls, and should be scheduled prior to the development activity, but after the erosion and sedimentation controls have been installed. Additionally, inspections may be required after the development activity is completed in order to ensure that vegetation is being reestablished.
- C. **Final inspection.** The purpose of the final inspection is to ensure that the stormwater management system has been designed and constructed in accordance with the approved stormwater management plan. All developments required to submit a stormwater management plan shall be subject to a final inspection. Any significant inconsistencies between the stormwater management system and the approved stormwater management plan shall constitute a violation of these regulations and shall be subject to the enforcement provisions contained in Subsection 13.2(F).

### 13.6 PERVIOUS PAVEMENT SYSTEMS

A. **Approved Pervious Pavement System Guidelines.**

- (1) Approved permeable pavements are considered on-site stormwater management practices and should have the same or very similar effectiveness with regards to the reduction of the volume and rate of stormwater runoff if properly installed.
- (2) Installation shall be completed to system design specifications by trained and experienced producers and construction contractors.
- a. Porous concrete, porous asphalt, and permeable pavers should all have similar underlying storage and support structures.
- (3) Installation of permeable pavement systems shall require diversion of runoff away from the installed surface until stabilization of the adjacent disturbed soils.

**Table 13.6.1. Approved Pervious Pavements and Systems**

|                         |                                                                                           |
|-------------------------|-------------------------------------------------------------------------------------------|
| Porous Asphalt          | Bituminous Asphalt without the fines with additional additives and binders.               |
| Porous Concrete         | Concrete with reduced fines in the mix.                                                   |
| Permeable Paver Systems | Interlocking concrete, plastic and other units with openings typically filled with gravel |

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|                                       |                                                                                                                                                   |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Reinforced Turf Systems               | Interlocking concrete, plastic and other units with openings typically filled with soil or other growth medium for the development of turf grass. |
| Artificial, or Synthetic Turf Systems | A water permeable surface of synthetic fibers.                                                                                                    |
| Other Systems                         |                                                                                                                                                   |

**B. Considerations.**

(1) *Advantages of Pervious Pavement.*

- a. Can be used in place of traditional paved surfaces.
- b. Can fit into spaces of almost any size and be integrated into many different site layouts.
- c. Can be used as an alternative to traditional hardscape surfaces.
- d. Reduces ponding that can be associated with traditional hardscape surfaces.
- e. Provides ancillary benefits such as better conditions for trees, reduced heat island effect, quieter vehicular traffic, and reduced vehicular glare compared to standard asphalt.

(2) *Limitations of Pervious Pavement.*

- a. Requires special consideration if used for high traffic loading areas or on heavy industrial sites where vehicles or equipment may contribute heavy sediment or gross pollutant loads to porous surfaces.
- b. Typically not suitable for steep slope applications.
- c. Requires frequent maintenance with specialized equipment to maintain performance.
- d. May degrade more rapidly if located in areas with frequent vehicular turning.

(3) *Design Considerations for Pervious Pavement.*

- a. Design of paving sections must consider system stability based on anticipated structural loading.
- b. For systems that accept runoff from adjacent impervious and pervious areas, pretreatment will help to prevent clogging of porous surfaces.
- c. Porous pavement should not be used in areas where gasoline or other hazardous materials may be dispensed or handled.

**C. Installation Guidelines.**

- (1) The thickness of the pervious concrete or asphalt layer is dependent upon use, site, and design. Although manufacture specifications should always be followed with installation, the typical base for a pervious concrete, asphalt, or paver system shall generally consist of the following:
  - a. Choke course—This permeable layer is typically 1—2 inches thick and provides a level bed for the pervious concrete. It consists of small-sized, open-graded aggregate.
  - b. Open-graded base reservoir—This aggregate layer is immediately beneath the choke layer. The base is typically 3—4 inches thick and consists of crushed stones typically  $\frac{3}{4}$  to  $\frac{3}{16}$  inch. Besides storing water, this high infiltration rate layer provides a transition between the bedding and subbase layers.

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- c. Open-graded subbase reservoir—The stone sizes are larger than the base, typically 2½ to ¾ inch stone. Like the base layer, water is stored in the spaces among the stones. The subbase layer thickness depends on water storage requirements and traffic loads. A subbase layer may not be required in pedestrian or residential driveway applications.
  - d. Underdrain (optional)—In instances where pervious concrete is installed over low-infiltration rate soils, an underdrain facilitates water removal from the base and subbase. The underdrain is perforated pipe that ties into an outlet structure. Supplemental storage can be achieved by using a system of perforated pipes in the aggregate layers.
  - e. Geotextile (optional)—This can be used to separate the subbase from the subgrade and prevent the migration of soil into the aggregate subbase or base.
  - f. Subgrade—The layer of soil immediately beneath the aggregate base or subbase.

**D. Maintenance Guidelines.**

- (1) If an approved pervious pavement system is proposed for a project the area of coverage shall be considered based on the design specifications at a rate no greater than what is identified in Article 2.2(H).
- (2) Sub-surface soil testing must demonstrate that the manufacture's specifications will be met to allow for percolations and other functions.
- (3) Design.
  - a. Cleanouts, manholes, access panels and other access features must be provided to allow unobstructed and safe access for routine maintenance and inspection of inflow, outflow, underdrains, and storage systems.
  - b. Observation wells must be provided for storage systems that include stone storage and must meet the following requirements:
    - i. The observation well must be placed at the invert of the stone bed.
    - ii. An observation well must be located near the center of the stone bed system to monitor the level and duration of water stored within the system (drain down time).
    - iii. Adequate inspection and maintenance access to the observation well must be provided.
  - c. A manhole may be used in lieu of an observation well if the invert of the manhole is installed at or below the bottom of the system and the manhole is configured in such a way that stormwater can flow freely between the system and the manhole at the systems invert.
- (4) Access features for underground storage systems.
  - a. Access features must be provided for all underground storage systems that are not stone storage beds.
  - b. A sufficient number of access points in the system must be provided to efficiently inspect and maintain the storage area.
  - c. For cast-in-place vault systems, access features must consist of manholes or grated access panels or doors. Grated access panels are preferred to maintain airflow.
  - d. For grid storage or other manufactured systems, follow the manufacturer's recommendations.
  - e. Ladder access is required for vaults greater than four feet in height.
  - f. Header pipes, at minimum 36-inch diameter, connected to manholes at each corner of the subsurface system must be provided. Alternatively, smaller header pipes may be used if

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cleanouts are provided on every second manifold pipe/header pipe junction, on alternating sides, of the system.

### 13.7 ILLICIT DISCHARGE AND CONNECTION

- A. **Purpose and intent.** The purpose of these regulations is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. These regulations establish the methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of these regulations are:
- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
  - (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
  - (3) To establish the legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with these regulations;
- B. **Applicability.** These regulations shall apply to all influents; liquid and solid, including water entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted by an authorized enforcement agency.
- C. **Responsibility for administration.** The city shall provide qualified staff to administer, implement, and enforce the provisions of these regulations. The powers granted and duties imposed upon the authorized enforcement person or entities acting in the beneficial interest of or in the employ of the city shall be authorized by the city manager.
- D. **Ultimate responsibility.** The standards set forth herein and promulgated pursuant to these regulations are minimum standards; therefore these regulations do not intend, nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
- E. **Discharge prohibitions.**
- (1) Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
  - (2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows:
    - a. The following discharges are exempt from any discharge prohibitions established by these regulations:
      - 1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated; typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.
      - 2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect the public health and safety.

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- 3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test. Any dye used for testing shall be certified by the contractor to be environmentally safe and he shall provide the city with documentation verifying the environmental effects of the dye.
  - 4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal or state environmental protection agency; provided that the discharger is in full compliance with all permit requirements, waiver, or order and other applicable laws and regulations and; provided that written approval has been granted for any discharge to the storm drain system.

b. Prohibition of illicit connections.

- 1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- 2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 3) A person is considered to be in violation of these regulations if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

F. **Suspension of MS4 access.**

- (1) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or United States waters. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or United States waters, or to minimize danger to persons.
- (2) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of these regulations may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- (3) *Reinstating MS4 access deemed an offense.* A person commits an offense if the person reinstates MS4 access to the premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

G. **Industrial or construction activity discharges.** Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city, prior to allowing discharges to the MS4.

H. **Monitoring.**

- (1) *Applicability.* This subsection applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- (2) *Access to facilities.*
  - a. The city shall be permitted to enter and inspect facilities subject to regulation under these regulations as often as may be necessary to determine compliance with these regulations. If a discharger has security measures in force that require proper identification and clearance before

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entry onto its premises, the discharger shall make the necessary arrangements to allow access by city representatives.

- b. Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and sampling of the facility's stormwater discharge.
- d. The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the city's written or oral request and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of these regulations. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by these regulations.
- g. If the city has been refused access to any part of the premises from which stormwater is discharged, and he is able to demonstrate probable cause to believe that there may be a violation of these regulations, or that there is a need to inspect and sample as part of a routine inspection and sampling program designed to verify compliance with these regulations or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**I. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

- (1) The city will adopt requirements identifying the best management practices (BMPs) for any activity, operation, or facility that may cause or contribute to the pollution or contamination of stormwater, the storm drain system, or United States waters.
- (2) The owner or operator of a commercial or industrial establishment shall provide, at his own expense, reasonable protection from the accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs.
- (3) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.
- (4) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance

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with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with the requirements of the NPDES permit.

- J. **Watercourse protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- K. **Notification of spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or United States waters, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- L. **Enforcement; notice of violation.**
- (1) Enforcement personnel shall be qualified stormwater management inspectors as defined by the state department of environmental protection and code enforcement officers.
  - (2) Requirements; contents. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of these regulations, the city may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
    - a. The performance of monitoring, analyses, and reporting;
    - b. The elimination of any illicit connections or discharges;
    - c. That violating discharges, practices, or operations shall cease and desist;
    - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
    - e. Payment of a fine to cover the administrative and remediation costs no less than category 3 of Ordinance No. 1151-04; and
    - f. The implementation of source control or treatment BMPs.
  - (3) Abatement/restoration; deadline; costs charged to violator. If abatement of a violation and/or restoration of the affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- M. **Appeal; notice; hearing.** Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency to the code enforcement hearing officer. The notice of appeal must be received within 15 days from the date of the notice of violation. A hearing on the appeal before the

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appropriate authority or his designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the hearing officer shall be final.

- N. **Enforcement post-appeal; city authority to enter property and cause abatement or restoration.** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the hearing officer's decision upholding the decision of the authorized enforcement agent, then city representatives shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purpose of abatement or restoration.
- O. **Abatement costs.**
- (1) *Lien.* Within 15 days after abatement of the violation, the property owner will be notified of the abatement costs, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
  - (2) *Installment payments; interest.* Any person violating any of the provisions of these regulations shall become liable to the city by reason of such violation. The liability shall be paid in no more than 12 equal payments. Interest at the rate of six percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.
- P. **Injunctive relief.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these regulations. If a person has violated or continues to violate the provisions of these regulations, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- Q. **Compensatory action in lieu of legal proceedings, fines, etc.** In lieu of enforcement proceedings, penalties, and remedies authorized by these regulations, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- R. **Violation deemed public nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of these regulations is a threat to the public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- S. **Remedies not exclusive.** The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

## **ARTICLE 14. OFF-STREET PARKING AND LOADING**

### **14.1 GENERAL PROVISIONS**

#### **A. Existing Facilities.**

- (1) The existing number of off-street vehicle, bicycle, and loading spaces may not be reduced below the minimum requirements of this Code. If the number of existing spaces is already less than the requirements of this Article, it may not be further reduced.
- (2) If a building permit was lawfully issued prior to the effective date of this Code, and if substantial construction has begun within 180 days of the issuance of a permit, the number of off-street vehicle, bicycle, and loading spaces is that required by building permit and supersedes the requirements of this Code.

#### **B. Change in Use.** When the existing use of a structure or land is changed to a new use, parking and bicycle spaces must be provided as required for the new use, except as described below:

- (1) No additional vehicle and bicycle parking spaces are required if the change in use would result in an increase of spaces of less than 10%. This also applies to a simultaneous change in use of a group of uses on the same lot which together result in a need for an increase in vehicle and bicycle parking spaces of 10% or less. The 10% increase is calculated by dividing the number of additional spaces required by the number of spaces required before the increase.
- (2) A change in use is eligible for a parking exemption per Subsection 14.10.
- (3) A change in use is eligible for shared parking per Subsection 14.11.

#### **C. Change in Intensity of Use.** Whenever the intensity of a use is increased based on an increase in the number of dwelling units, floor area, seating capacity, or other unit of measurement used to calculate the required number of vehicle and bicycle parking spaces, additional spaces must be provided for that increase, except as described below:

- (1) Whenever there is an increase in the intensity of a use that creates a need for additional vehicle and bicycle parking spaces of 10% or more, the additional spaces are required. No additional vehicle and bicycle parking spaces are required if the increase in intensity would result in an increase of spaces of less than 10%. This also applies to a simultaneous increase in intensity of a group of uses on the same lot which together result in a need for an increase in vehicle and bicycle parking spaces of 10% or more. The 10% increase is calculated by dividing the number of additional spaces required by the number of spaces required before the increase.
- (2) An increase in the intensity of a use, which does not qualify for an exemption under item 1 above, is eligible for a parking exemption per Subsection 14.10.
- (3) An increase in the intensity of a use, which does not qualify for an exemption under item 1 above, is eligible for shared parking per Subsection 14.11.

#### **D. Provision of Additional Spaces and Parking Maximums.**

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- (1) The establishment of additional off-street parking or loading facilities above 10% of the minimum required by this Code is prohibited in all commercial zoning districts except the D-CM and R-C1 subject to other restrictions, unless otherwise permitted by this code.
  - (2) Where shared parking facilities are established, including parking structures, the maximum number of spaces shall not exceed the sum of the number of spaces required for each individual use that is part of the shared parking calculation.

E. **Prohibition on Use of Parking Facilities.** The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies, or the display of goods in off-street parking areas is prohibited, unless otherwise permitted by this Code.

F. **General Requirements.**

- (1) Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle and bicycle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Code.
- (2) Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle or bicycle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle or bicycle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.
- (3) A fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one parking or loading space.
- (4) For uses where patrons or spectators occupy benches, pews or open floor areas used for service, each 48 linear inches of benches, pews, or permanent seating areas, or five square feet of open floor areas used for seating may be counted as one seat for the purpose of determining the required number of spaces.
- (5) Except as otherwise provided in this Code, the minimum number of off-street vehicle and bicycle parking spaces to be provided for each use is listed in Table 14.2.1: Off-Street Vehicle and Bicycle Parking Requirements. Construction of all off-street parking must be completed prior to the issuance of a certificate of occupancy.
- (6) Table 14.2.1 lists parking requirements for each use. In some cases, uses that are considered part of a generic use category are listed with specific vehicle parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district.
- (7) Certain uses listed within Table 14.2.1 are required to provide bicycle parking spaces when located within all Residential districts, and within the R-C1, D-CM and SSC-RC Zoning districts. Required bicycle spaces should be designed as short-term spaces, which are areas where bicycles will be left for short stops, requiring a high degree of convenience.
- (8) In situations where the City has previously provided bicycle parking within 250 linear feet, in any direction, provided there is pedestrian access, the use requiring bicycle spaces may provide, in lieu of the required bicycle spaces, other pedestrian friendly or open space amenities with approval from the planning department.
- (9) Where bicycle parking space requirements indicate "Over 10,000 sf GFA" or other number threshold, this means that bicycle spaces are required only for structures over a certain gross floor area. In these cases, bicycle parking space requirements are calculated on the basis of the entire gross floor area.

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- (10) Motorcycle and scooter parking may be substituted for up to five automobile spaces or 5% of the required parking spaces, whichever is less. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.

## 14.2 REQUIRED NUMBER OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

Any use not identified in Table 14.2.1, shall be required to meet the vehicle parking and bicycle space standards of a use, as determined by the Planning Department, to be similar in nature and which can reasonably be determined to require a comparable number of spaces. Uses which cannot be determined as parallel to any identified use contained in Table 14.2.1 shall be required to meet a standard as determined by the Planning Department through any reasonable and sound method in keeping with the intent of this Article.

### A. Provision of Car- and Bike-Share Facilities.

- (1) Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment.
- (2) Spaces reserved for car-share facilities may count toward minimum parking requirements of this Code.
- (3) Spaces within parking lots and structures may include designated areas for bike-share facilities. A bike-share facility provides bicycle rentals to the public and it is not considered a vehicle rental establishment. When a minimum of 20 bicycles are provided for rental, such bike-share facilities equate to 5% of the required vehicle spaces.

### B. Provision of Electric Vehicle Charging Stations.

Spaces within parking lots and structures may include designated parking spaces for electric vehicle charging. Spaces reserved for electric vehicle charging count toward minimum parking requirements of this Code.

### C. Multi-Tenant Retail/Shopping Center Parking Calculation.

Parking for multi-tenant retail centers is calculated as one space required per 500 square feet of gross floor area, rather than by the individual uses. In addition, multi-tenant retail centers over 20,000 square feet in gross floor area require one bicycle space per 2,500 square feet of gross floor area.

### D. Required Off-Street Vehicle and Bicycle Parking.

**Table 14.2.1. Off-Street Vehicle and Bicycle Parking**

| USE                        | MINIMUM REQUIRED VEHICLE SPACES                   | REQUIRED TOTAL BICYCLE SPACES          |
|----------------------------|---------------------------------------------------|----------------------------------------|
| Adult Use                  | 1 per 300 sf GFA + 1 space per employee           |                                        |
| Amusement Facility—Indoor  | 1 per 250 sf GFA + 1 space for each two employees | Over 10,000 sf GFA: 1 per 2,500 sf GFA |
| Bowling Alley              | 3 per lane + 1 for each two employees             |                                        |
| Movie Theater              | 1 per 5 seats + 1 per two employees               | Over 10,000 sf GFA: 1 per 2,500 sf GFA |
| Pool Hall                  | 2 per table                                       |                                        |
| Amusement Facility—Outdoor | 1 per 500 sf GFA + 1 per 500 sf of outdoor area   | Over 10,000 sf GFA: 1 per 2,500 sf GFA |
| Animal Care Facility       | 1 per 300 sf GFA + 1 space per employee           |                                        |

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|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Art Gallery                                   | 1 per 500 sf GFA                                                                                                              | Over 5,000 sf GFA: 1 per 1,500 sf GFA                                                                                         |
| Arts Studio                                   | 1 per 300 sf GFA                                                                                                              | Over 5,000 sf GFA: 1 per 1,500 sf GFA                                                                                         |
| Bar, Tavern, Night Club                       | 1 space for each two employees + 1 space per 200 sf GFA                                                                       |                                                                                                                               |
| Bed and Breakfast                             | 2 spaces + 1 per guestroom                                                                                                    |                                                                                                                               |
| Body Modification Establishment (Studio)      | 1 per 300 sf GFA + 1 for each 2 employees                                                                                     |                                                                                                                               |
| Broadcasting Facility                         | 1 per 1,000 sf GFA                                                                                                            |                                                                                                                               |
| Car Wash                                      | 2 per car wash bay + 3 stacking spaces per bay                                                                                |                                                                                                                               |
| Community Center                              | 1 per 500 sf GFA + 1 space for each two employees                                                                             | 1 per 2,500 sf GFA                                                                                                            |
| Contractor Office                             | 1 per 300 sf GFA of office area                                                                                               |                                                                                                                               |
| Convention Center                             | 1 per 200 sf GFA                                                                                                              | 1 per 5,000 sf GFA                                                                                                            |
| Country Club                                  | Cumulative - determined by sum of requirements for all uses within development (golf course, driving range, restaurant, etc.) | Cumulative - determined by sum of requirements for all uses within development (golf course, driving range, restaurant, etc.) |
| Cultural Facility                             | 1 per 300 sf GFA                                                                                                              | 1 per 2,500 sf GFA                                                                                                            |
| Day Care Center                               | 1 per 1,000 sf GFA + 1 space per employee                                                                                     |                                                                                                                               |
| Dwelling - Above the Ground Floor (Mixed-Use) | 1 per dwelling unit                                                                                                           | 1 per each 4 dwelling units + 1 per each use type in the development<br>Dwelling—Multi-Family                                 |
| (< 4 units)                                   | 2 per dwelling unit or 1 per bedroom, whichever is less; Condominium parking shall be at least 50% covered.                   | 1 per 5 dwellings (calculated by entire development)                                                                          |
| Dwelling—Townhouse                            | 2 per dwelling unit                                                                                                           |                                                                                                                               |
| Dwelling—Semi-Detached                        | 2 per dwelling unit                                                                                                           |                                                                                                                               |
| Dwelling—Single-Family                        | 2 per dwelling unit                                                                                                           |                                                                                                                               |
| Dwelling—Two-Family                           | 2 per dwelling unit                                                                                                           |                                                                                                                               |
| Educational Facility—Primary or Secondary     | 1 per 500 sf GFA or 2 per classroom, + 1 per office, whichever is greater                                                     | 2 per classroom                                                                                                               |
| Educational Facility—University or College    | 1 per employee, plus one space for each 5 students.                                                                           | 2 per 2,000 sf GFA                                                                                                            |
| Educational Facility—Vocational               | 1 per 200 sf GFA + 1 space for each two employees                                                                             | Over 10,000 sf GFA: 1 per 2,500 sf GFA                                                                                        |

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| Financial Institution/Bank                  | 1 per 300 sf GFA + 3 stacking spaces per drive-through lane                                                                                                                     | 1 per 2,500 sf GFA                    |
| Fraternity/Sorority                         | 1 per 2 rooms                                                                                                                                                                   | 1 per 4 rooms                         |
| Funeral Home                                | 1 per 150 sf GFA + 1 per each employee                                                                                                                                          |                                       |
| Gas Station                                 | 1 per pump (in addition to pump space) + 1 per 300 sf GFA of retail area + 2 per service bay of accessory motor vehicle service and repair + 3 stacking spaces for car wash bay |                                       |
| Golf Course/Driving Range                   | 2 per tee + cumulative requirements for other uses within development                                                                                                           |                                       |
| Government Office                           | 1 per 400 sf GFA + 1 space for each two employees                                                                                                                               | Over 5,000 sf GFA: 1 per 1,500 sf GFA |
| Greenhouse/Nursery—Retail                   | 1 space per employee + 1 per 500 sf of outdoor area                                                                                                                             |                                       |
| Group Home                                  | 1 per 2 bedrooms                                                                                                                                                                | 1 per 4 bedrooms                      |
| Halfway House                               | 1 per 4 bedrooms                                                                                                                                                                | 1 per 4 bedrooms                      |
| Healthcare Institution (Hospital and Other) | 1.5 per room + 2 per each three employees                                                                                                                                       | 1 per 20 rooms                        |
| Heavy Retail, Rental and Service            | 1 per 300 sf GFA to include any outdoor retail and show room                                                                                                                    |                                       |
| Hotel                                       | 1 space per room + 1 space for each two employees                                                                                                                               |                                       |
| Industrial—(Light Manufacturing)            | 1 per 500 sf GFA + 1 per each two employees                                                                                                                                     |                                       |
| Live Performance Venue                      | 1 per 300 sf GFA + additional based on capacity if indoor: 1 per each two occupants                                                                                             |                                       |
| Lodge/Meeting Hall                          | 1 per 300 sf GFA                                                                                                                                                                | Over 5,000 sf GFA: 1 per 2,500 sf GFA |
| Manufactured Home Park                      | 2 per home site                                                                                                                                                                 |                                       |
| Marina—Commercial                           | 1 per 2 slips                                                                                                                                                                   |                                       |
| Medical/Dental Clinic and/or Office         | 4 spaces for each doctor engaged at the clinic or office, + 1 space for each two employees                                                                                      | Over 5,000 sf GFA: 1 per 2,500 sf GFA |
| Micro-Brewery/Distillery/Winery             | 1 per two employees + 1 per 300 sf GFA                                                                                                                                          | Over 5,000 sf GFA: 1 per 2,500 sf GFA |
| Office                                      | 1 per 300 sf GFA                                                                                                                                                                | Over 5,000 sf GFA: 1 per 2,500 sf GFA |
| Personal Service Establishment              | 1 per 300 sf GFA                                                                                                                                                                |                                       |

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| Pharmacy                           | 1 per two employees + 1 per 275 sf of GFA                                            |                                        |
| Place of Worship                   | 1 per 4 seats within the main auditorium or nave                                     | 1 per 20 seats                         |
| Public Safety Facility             | 1 per 250 sf GFA                                                                     |                                        |
| Public Works Facility              | 1 per 500 sf GFA                                                                     |                                        |
| Reception Facility                 | 1 per 250 sf GFA                                                                     |                                        |
| Research and Development           | 1 per 300 sf GFA                                                                     |                                        |
| Residential Care Facility -        | To be calculated on the type of facility or combination of facilities provided below | Over 10,000 sf GFA: 1 per 2,500 sf GFA |
| <i>Independent Living Facility</i> | 1 per dwelling unit, plus 1 per two employees                                        |                                        |
| <i>Assisted Living Facility</i>    | 0.75 per dwelling unit, plus 1 per two employees                                     |                                        |
| <i>Nursing Home</i>                | 0.5 per patient room, plus 1 per two employees                                       |                                        |
| Restaurant -                       | 1 per 200 sf GFA + 1 per each two employees                                          | Over 4,000 sf GFA: 1 per 2,000 sf GFA  |
| <i>Fast Food</i>                   | 1 per 100 sf GFA + 1 per each two employees (max: 1 per 75 sf GFA)                   | Over 4,000 sf GFA: 1 per 2,000 sf GFA  |
| <i>Take-Out Only</i>               | 4 spaces per 500 sf GFA of waiting area + 1 for each two employees                   | 2 required                             |
| Retail Goods Establishment         | 1 per 300 sf GFA + 1 per each two employees                                          | Over 5,000 sf GFA: 1 per 2,500 sf GFA  |
| Salvage Yard                       | 1 per 2,000 sf of lot area                                                           |                                        |
| Self-Storage Facility              | 1 per 25 storage units                                                               |                                        |
| Single Room Occupancy              | 1 per room                                                                           |                                        |
| Specialty Food Service             | 1 per 500 sf GFA + 1 for each two employees                                          |                                        |
| Storage Yard—Outdoor               | 1 per 2,000 sf of lot area                                                           |                                        |
| Truck Repair                       | 3 truck spaces per service bay + 2 vehicle spaces per service bay                    |                                        |
| Truck Stop                         | 1 truck space per 1,000 sf of lot area + 1 space (vehicle) per 200 sf GFA            |                                        |
| Vehicle Dealership                 | 1 per 500 sf GFA of indoor sales and display area + 4 per service bay                |                                        |
| Vehicle Operations Facility        | 1 per 1,000 sf GFA                                                                   |                                        |

|                         |                                                                   |  |
|-------------------------|-------------------------------------------------------------------|--|
| Vehicle Rental          | 1 per 500 sf GFA of indoor area (indoor vehicle storage excluded) |  |
| Vehicle Repair/Service  | 3 per service bay                                                 |  |
| Warehouse               | 1 per 20,000 sf GFA of warehouse space                            |  |
| Wholesale Establishment | 1 per 20,000 sf GFA of warehouse space                            |  |

( Ord. No. 1456-17 , § 1, 8-8-2017)

#### 14.3 ADDITIONAL OFF-STREET PARKING REQUIREMENTS IN THE R-C1, SSC-RC, and D-CM ZONING DISTRICTS

##### A. General Standards.

- (1) At the time of erection or alteration of any commercial structure within the R-C1, SSC-RC, or D-CM there shall be provided one off-street parking space for each 300 square feet of net rentable tenant and/or occupant space.
- (2) Parking areas shall not be located in front of any maximum setback line.
- (3) An exemption from the requirement of off-street parking shall be available in the D-CM, for the purchase and renovation of an existing structure without available appurtenant off-street parking for any usage not inconsistent with the other requirements of these regulations and the Community Redevelopment Plans as determined by the Community Redevelopment Agency.
- (4) At the time of erection or alteration of any residential structure within the Residential-Commercial District, adequate off-street parking shall be provided as follows in Table 14.3.1.

**Table 14.3.1 Residential Off-Street Parking Requirements**

| Type                     | Number of Units | Minimum Required Spaces Per Unit | Maximum Spaces Per Unit |
|--------------------------|-----------------|----------------------------------|-------------------------|
| Single Family            | Detached        | 1.5                              | 2.0                     |
| Duplex                   | 2               | 1.5                              | 2.0                     |
| Townhouse                | ~               | 1.5                              | 2.0                     |
| Multi-Family/Condominium | 1-4             | 1.5                              | 2.0                     |
|                          | 5 or more       | 1.0                              | 1.5                     |
| Bed and Breakfast        | ~               | 1 per Bed Room                   | ~                       |
| Resident Care Facility   | ~               | .75 per room                     | 1.5 per room            |

- (5) No surface parking lots shall be located between the building and public street within the D-CM and R-C1 zoning districts.
  - a. Surface parking may be located behind or to the side(s) of buildings not adjacent to public streets.



- 
- b. Surface parking areas on the side may not exceed 25 percent of the total street frontage for that side.
- (6) All garages serving non-single family detached dwelling units shall be located at the rear or side of the primary structure.
  - (7) All garages and covered parking shall be of the same building and roofing finish material as the primary structure.
  - (8) If permitted, head in and/or parallel parking spaces may be counted toward the required parking (not to be construed as designated or reserved for the benefit of a specific person, entity, or use) if immediately adjacent to lease, rental, or owned property.
  - (9) Developments which create new public streets or are located on existing public streets may be permitted to design the streets to allow head-in parking.
    - a. All head-in parking spaces and sidewalks must be entirely within the right-of-way. On-street parking spaces which are counted towards required spaces must be adjacent to the lot containing the use for which it is required, if insufficient right-of-way exists additional dedication or easements may be required.
    - b. The director of planning and development services in consultation with the director of public works may approve head in parking in place of parallel parking or vice versa.
  - (10) Joint use parking facilities are encouraged. Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the city's development department as part of a site plan review:
    - a. The location and number of parking spaces that are being shared;
    - b. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and
    - c. A written agreement that guarantees access to the joint parking for all uses.
  - (11) Surface parking lots which serve as joint use parking facilities shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility.
  - (12) Any enclosed parking structure shall be designed so that the only openings at street level are for auto or pedestrian circulation. The remaining street wall of the ground floor shall include façade treatments such as projections, recesses, niches, fenestration, or changes of materials or color.
  - (13) All off-street parking areas or structures permitted for residential uses, except single family dwellings, shall be accessed through alleys or private access easements.
  - (14) Mixed-Uses with a residential component may provide, upon approval from the Planning and Development Department, more than the maximum number of parking spaces if:
    - a. Additional spaces are provided as part of a joint use multilevel covered parking structure; or
    - b. Parking for a single use is contained in multi-level covered parking structures.

#### 14.4 VEHICLE PARKING SPACE DESIGN

##### A. Permitted Vehicle Parking Locations.

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(1) *Residential Uses.*

- a. All required off-street vehicle parking spaces for residential uses and the residential component of mixed-use developments must be located on the same lot.
- b. For single-family - detached and attached, two-family, and townhouse dwellings, required vehicle parking spaces are permitted in private driveways, but must not encroach onto the public right-of-way, this does not include permitted on-street parking.
  - i. On-street parking of cars and personal automobiles with no greater than two axes shall be permitted where there is sufficient room for through traffic including emergency vehicles, to travel without causing undue threat to safety and property or hindrance of flow and where there is no demarcation or striping of travel lanes, including bicycle lanes.
- c. Tandem vehicle parking is permitted for residential uses.
- d. For single-family - detached and attached and two-family dwellings where there is alley access, all vehicle parking areas must be accessed from the alley and all vehicle parking areas must be located in the rear yard.
- e. Multi-family Development parking areas shall not be located between any principal structure and any public right-of-way.

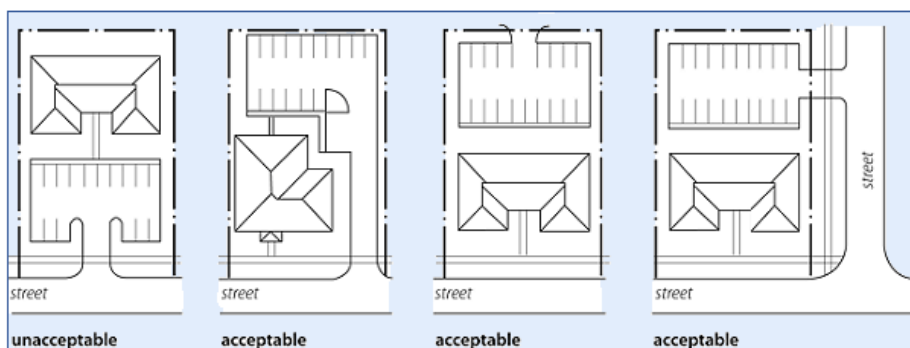


Figure 14.4.1. Multi-Family Parking

(2) *Non-Residential Uses.*

- a. Vehicle parking for a non-residential use may be located on the same lot or within 500 feet of the Structure(s) served.
  - i. The maximum 500 foot distance restriction does not apply to valet parking services. However, valet parking services must provide evidence of a lot reserved for vehicle parking.
  - ii. The maximum distance for off-site parking within the D-CM and R-C1 is 1,000 feet.
- b. In the D-CM and R-C1 Districts, some of the required parking may be fulfilled by available public parking areas within the District, when approved by the Planning and Development Department, including noncontiguous areas.

- i. Availability of parking spaces shall be determined by a parking analysis of the proposed use, surrounding uses, and the distance to available public parking performed by the Developer.
  - 1) Available public parking spaces shall only satisfy a maximum of 20% of the required number of parking spaces.
- ii. If it is determined that parking is not available the parking standards of this Code shall apply.

**B. Vehicle Parking Spaces Dimensions.**

- (1) Off-street vehicle parking space dimensions must meet the standards of Figure 14.4.2. All vehicle parking spaces must have a minimum vertical clearance of seven feet six inches.
- (2) Motorcycle and scooter parking spaces must measure at least four feet in width by eight feet in length and must be identified or designated through the use of signs or pavement markings.

**C. Access Requirements for Off-Street Vehicle Parking Areas.**

- (1) Each off-street vehicle space must open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street parking facilities must provide access in a manner that least interferes with traffic movement. For all uses except single-family, two-family, and semi-detached dwellings, the parking area must be designed so that the driver of the vehicle proceeds forward into traffic rather than backs out.
- (2) All required off-street parking facilities must have vehicular access from a street, alley, driveway, or cross-access connection.
- (3) When a gated entrance is permitted as part of the access to an off-street parking area or a residential subdivision, such gate is required to open toward the interior of the lot.

**D. Accessible Vehicle Parking Requirements.** All parking lots must comply with the "ADA Accessibility Guidelines for Buildings and Facilities" regulations issued by federal agencies under the Americans with Disabilities Act of 1990 (ADA) for the amount and design of accessible vehicle parking spaces required in parking lots and structures.

**E. Hydraulic Lifts.** All hydraulic lifts must be located within a parking structure.

**F. Striping.** Off-street parking areas of more than four spaces must be marked by painted lines maintained in clearly visible condition, curbs or other means to indicate individual spaces. Signs or markers should be used as necessary to ensure efficient and safe circulation within the lot. Vehicle parking spaces for handicapped persons must be identified with the appropriate sign and visible at all times of the year, regardless of plant growth or similar conditions.

**Table 14.4.1. Parking Lot Dimensions**

| Parking Angle | Minimum Parking Stall Width (A) | Minimum Parking Stall Length (B) | Minimum Parking Aisle Width (C) |
|---------------|---------------------------------|----------------------------------|---------------------------------|
| 0°            | 9'                              | 18'                              | 12'/24'*                        |
| 45°           | 9'                              | 18'                              | 12'                             |
| 60°           | 9'                              | 18'                              | 16'                             |
| 90°           | 9'                              | 18'                              | 24'*                            |

\*Two-way Traffic.

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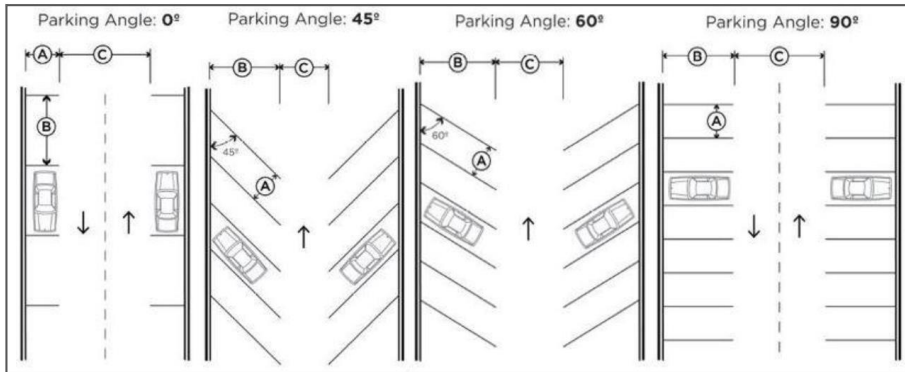


Figure 14.4.2. Parking Angle and Stall Width Diagram

**G. Curbing and Wheel Stops.**

- (1) Wheel stops or curbing are required when a parking space abuts pedestrian walkways, landscaped areas, fences, and walls.
- (2) Breaks or curbolets shall be provided in curbing to allow for drainage into landscape areas that have been designed to treat stormwater as part of an approved Stormwater Management Plan.

**H. Surfacing.**

- (1) All surface parking lots must be paved with a durable all-weather material and/or an approved pervious pavement system. All uneven slabs must be resurfaced to provide a smooth surface. Pervious paving is encouraged and shall be allowed, subject to approval by the Planning and Development Department in all zoning districts.
  - a. Gravel or loose rock is prohibited.
- (2) All single-family - detached and attached, and two-family dwellings are encouraged to install driveways constructed of pervious paving.
- (3) All single-family - detached and attached, and two-family dwellings are permitted to construct driveways that consist of two concrete wheel strips, each of which is at least 18 inches wide and at least 20 feet long.

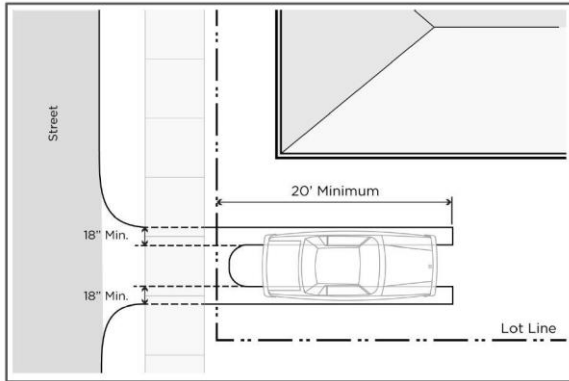


Figure 14.4.3. Wheel Strip Diagram

**I. Drainage and Maintenance.**

- (1) Off-street parking facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All drainage must comply with the requirements Article 13, Stormwater Management.
- (2) Off-street parking areas must be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

**J. Lighting.**

- (1) Parking lot lighting must comply with Subsection 9.2.
- (2) Adequate lighting must be provided if off-street parking spaces are used at night.
- (3) Pedestrian scale lighting shall be required as per Subsection 9.2.
- (4) All lighting must be arranged to eliminate glare on residential property or any other property or use as determined by the Planning Department, by location of light fixtures or use of fixtures designed to eliminate direct view of luminaires in fixtures from residential property.

**K. Landscape and Screening.** All parking lots must be landscaped and screened in accordance with Article 12.

**L. Pedestrian Access within Parking Areas.**

- (1) Pedestrian access from existing or developed sidewalks, at street fronts, to building entrances shall be provided in the safest possible manner to protect against vehicle pedestrian conflict.
  - a. Walkways and sidewalks should be out of drive aisles and segregated from vehicle traffic to the greatest extent possible.
  - b. Clearly delineated walkways and crosswalks of paving, brick paver, and bituminous brick pattern stamping, or painted striping should connect to landscaped areas and parking lot islands and to building entrances to provide safe passageway for pedestrians.
- (2) Curb cuts must be included on landscaped areas or islands where such crosswalks are located. ADA compliance is required.

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## 14.5 BICYCLE PARKING SPACE DESIGN

### A. Location.

- (1) The bicycle parking area must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic.
  - a. Bicyclists and those confined to a wheelchair must not be required to travel over stairs to access parking.
- (2) Nothing in this Code prevents the provision of additional bicycle spaces in excess of that required in Table 14.2.1.
- (3) Short-term bicycle parking spaces must be located no more than 50 feet from the principal building entrance and at the same grade as the sidewalk or an accessible route.
  - a. The property owner may make arrangements with the Planning and Development Department and Public Works to place required bicycle parking spaces in the public right-of-way so long as a minimum of five feet of clearance is maintained in the pedestrian way and the bicycle spaces are located within 50 feet of the lot.
  - b. Required bicycle parking spaces may be located in the public right-of-way, with approval from the Planning and Development Department and Public Works, if one or more of the following conditions are met:
    - i. The use does not provide vehicle parking on-site.
    - ii. The addition of bicycle parking on the site would reduce the number of parking spaces below that required by this Code.
    - iii. Bicycle parking spaces in the right-of-way are shared by uses located on the same block-face. In such cases, the number of bicycle spaces required is cumulative of that required by all uses sharing such spaces.
- (4) Long-term bicycle parking spaces may be located in a covered area that is easily accessible from the public-right-of-way and building entrances.
- (5) Required bicycle parking for residential uses may be provided in garages, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

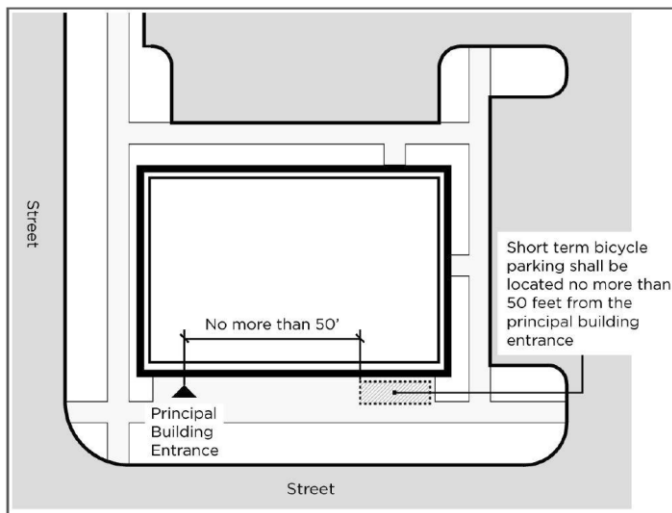


Figure 14.5.1. Short Term Bicycle Parking Location Diagram

**B. Design.**

- (1) Required bicycle spaces must provide each bike space within a row of bicycle parking a minimum of two feet in width by six feet in length, with a minimum vertical clearance of seven feet.
  - a. There must be an aisle at least five feet wide between each row of bicycle parking to allow room for bicycle maneuvering.
- (2) Long-term bicycle parking spaces may be located indoors or fully covered, such as by the use of an overhang or covered walkway, weatherproof outdoor bicycle lockers, or an indoor storage area.
  - a. Where bicycle parking is not located within a building or locker, the cover design must be of permanent construction, designed to protect bicycles from rainfall, and inclement weather, and with a minimum vertical clearance of seven feet.
  - b. All lockers and racks must be securely anchored to the ground or a structure to prevent the racks and lockers from being removed from the location or posing safety concerns.
- (3) If required bicycle parking facilities are not visible from the street or principal building entrance, signs must be posted indicating their location. Sign design and placement shall be approved by the Planning and Development Department.

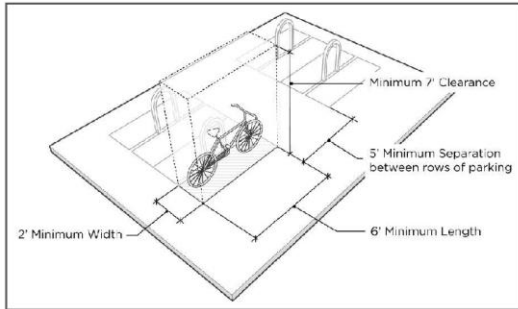


Figure 14.5.2. Bicycle Parking Design Diagram

## 14.6 REQUIRED OFF-STREET LOADING SPACES

### A. Requirements.

- (1) Off-street loading spaces shall be provided for any use that distributes or receives materials or merchandise by trucks or other commercial vehicles in accordance with Table 14.6.1: Off-Street Loading Requirements.
  - a. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant.
- (2) No motor vehicle shall be allowed to extend onto a public street, right-of-way, sidewalk, or alley, while loading or unloading.
- (3) Off-street loading areas shall be located in the rear of buildings only.
- (4) Structures that are 50 years of age or older as of the effective date of this Code that do not currently have any loading areas may be exempt from off-street loading requirements.
- (5) If a use, required to provide loading space(s), increases the floor area by 30% or more, calculated cumulatively, from the effective date of this Code, off-street loading spaces shall be required in accordance with Table 14.6.2.
- (6) No structure shall be required to provide more than five loading spaces.

Table 14.6.1. Off-Street Loading Requirements

| Use Type                                | Number of Spaces Required |
|-----------------------------------------|---------------------------|
| <b>Multi-Family Dwelling</b>            |                           |
| 40,000 sf or more GFA                   | 1 loading space           |
| <b>Commercial and Institutional Use</b> |                           |
| 20,000—50,000 sf GFA                    | 1 loading space           |
| 50,001—100,000 sf GFA                   | 2 loading spaces          |
| 100,001—200,000 sf GFA                  | 3 loading spaces          |



|                                                                                                                 |                            |
|-----------------------------------------------------------------------------------------------------------------|----------------------------|
| Each additional 50,000 sf of floor area (This applies only for each additional full 50,000 sf over 200,000 sf ) | 1 additional loading space |
|-----------------------------------------------------------------------------------------------------------------|----------------------------|

#### 14.7 DESIGN OF OFF-STREET LOADING SPACES

- A. **Location.** All off-street loading spaces must be located on the same lot as the use served. No off-street loading spaces may project into a public right-of-way.
- B. **Dimensions.**
  - (1) All required off-street loading spaces must be a minimum of 12 feet in width, a minimum of 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 15 feet.
  - (2) Structures that are 50 years of age or older and maintain loading spaces that do not comply with the dimensions of this section are deemed legally conforming in terms of loading space dimensions. If new loading spaces are constructed, such spaces may be designed to match the dimensions of existing spaces rather than the requirements of this section.
- C. **Surfacing.** All off-street loading spaces must be paved with a durable, all-weather material. An approved pervious pavement system shall be allowed provided it can withstand the excess weight, subject to approval by the Planning and Development Department.
- D. **Drainage and Maintenance.**
  - (1) Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All drainage must comply with the Stormwater Requirements of this Code.
  - (2) Off-street loading areas must be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.
- E. **Access Control and Signs.** Each required off-street loading space must be designed with adequate means of vehicular access to a street or alley and in a manner that will minimize interference with traffic movement.
- F. **Lighting.** Loading facility lighting must meet the requirements of Subsection 9.2. Illumination of an off-street loading facility must be arranged so as to deflect the direct light away from adjacent properties and streets.
- G. **Landscape and Screening.** All loading facilities must be landscaped and screened in accordance with Article 12.

#### 14.8 DRIVEWAY DESIGN

- A. **Driveway Design.**
  - (1) *Single-Family—Detached or Attached and Two-Family Dwelling Residential Driveways.*
    - a. A residential driveway that provides access to a detached or attached garage is limited to a maximum width of 30 feet and a minimum of 12 feet.
    - b. A residential driveway may be shared by adjacent lots. This shared driveway location is only allowed if agreed to by the owners of each lot, and the agreement is recorded as a shared driveway servitude or access easement on each plat of survey.
    - c. Driveways shall be paved with a durable all-weather material or approved pervious pavement.

- i. Pervious pavement systems are encouraged and shall be allowed in all zoning districts.
  - d. Driveways shall be designed to limit runoff from the public right-of-way.
    - i. Design slope from street grade to landing shall be at minimum 8% and maximum 12%, unless site factors require adjustment, at which time the Planning and Development Department and the Public Works Director shall make a determination as to an acceptable slope or other conditions of design.
- (2) *Multi-Family Dwellings, Townhouse, and Non-Residential Driveways.*
- a. With the exception of loading berths, driveways are limited to a maximum width of 40 feet and a minimum of 24 feet for multi-family and townhouse developments and 48 for non-residential.
  - b. Driveways shall be paved with a durable all-weather material or approved pervious pavement.
  - c. All uneven slabs must be resurfaced to provide a smooth surface.
  - d. Approved pervious pavement systems are encouraged and shall be allowed, subject to approval by the Planning and Development Department in all zoning districts.
  - e. Additional requirements as per Article 15 shall apply.
  - f. Driveways shall be located as far from traffic signals and intersections as possible.

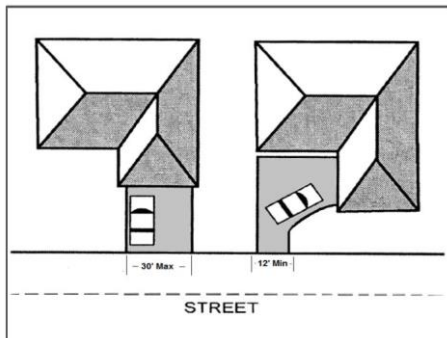


Figure 14.8.1. Residential Driveway Widths

## 14.9 VEHICLE PARKING AND STORAGE

### A. General Requirements.

- (1) No recreational equipment, trailer, utility trailer, inoperative vehicle, untagged vehicle, or commercial/business vehicle shall be parked on a public right-of-way in the city.
  - a. Inoperative and/or untagged vehicles shall not be visible from the public right-of-way.
    - i. Inoperative and untagged vehicles shall be shielded from the public right-of-way by a fence, wall, and/or landscaping of sufficient height and at least a 50% opacity.
    - ii. To accumulate, park or store one or more inoperative vehicles, recreational vehicle, boat or trailer on public or private property in violation of this article, shall constitute a nuisance

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detrimental to the health, safety and welfare of inhabitants of the city (Milton Code of Ordinance, 26-32); the nuisance may be abated as provided in 14.12 and 26.32.

- (2) The regulations contained in this section shall not apply to any vehicle bearing a disabled person's sticker approved or certified by the state to indicate that the vehicle is operated by or used in any way by a person who has a disability under the definitions as provided by the state for the issuance of such stickers.
- (3) A one car, vehicle repair permit may be issued by the Planning and Development Department, upon application demonstrating that the applicant is endeavoring, in good faith, to repair an inoperative vehicle but has been unable to complete the repairs within an initial 30-day period.
  - a. The repair permit shall grant the applicant an additional 30 days to maintain an inoperative vehicle in a manner prohibited in subsection 14.9(A)(1) above.

**B. Commercial Vehicles.**

- (1) No commercial vehicle may be parked outdoors on a lot in a residential district nor on residential lots within the R-C1 and SSC-RC districts, with the exception of vehicles engaged in loading or unloading or current work being done between the hours of 7:00 a.m. and 6:00 p.m. This does not include standard size passenger motor vehicles including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size delivery vehicles, and pick-up trucks, which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area.
  - a. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- (2) All other commercial vehicles including, but not limited to, semi-trucks, tractor-trailer units, with or without attached trailers, commercial trailers, buses, tow trucks, construction vehicles, delivery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside on a lot in a residential district except in cases of service or delivery vehicles performing such functions of business during the hours of 7:00 a.m. and 6:00 p.m.
- (3) For non-residential uses, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their specific use as vehicles, provided that the primary purpose of such vehicles is not for advertising or the display of signs.
  - a. All such vehicles must be in operable condition.
  - b. Signs placed or painted on parked vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited.
- (4) No overnight parking of semi-trucks, tractor trailers, buses or bus-type vehicles is allowed in any public parking lot.

**C. Recreational Vehicles.**

- (1) *General Requirements.*
  - a. No recreational vehicle, travel trailer, boat, except as provided in 14.9(A)(3) above, or any structure of a temporary or impermanent nature may be used as a residence except as approved

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by the Planning and Development Department as a permitted or special use in an appropriate zoning district.

- b. All recreational equipment must be maintained in mobile condition.
- c. No recreational equipment may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational equipment is parked or stored, whether loaded or not, so that it may tip or roll, it shall be considered dangerous and in an unsafe condition.
  - i. Repairing or maintaining a recreational vehicle or equipment, except those repairs necessitated by an emergency, shall not be permitted in any portion of a public right-of-way.
- d. Major recreational equipment may not be parked or stored on a parking lot for the principal purpose of displaying such equipment for sale, except on parking lots where the sale of vehicles and major recreational equipment is a duly authorized permitted use (e.g., new and used car lot, major recreational equipment sales lot).
- e. Major recreational equipment shall not be parked or stored on any vacant lot, except where such vacant lot adjoins a lot on which a principal structure under the same ownership is located and the lot shall be kept in good condition, free of weeds, trash, debris, and any other condition which would constitute a nuisance.

(2) *Residential Requirements.*

- a. Recreational equipment may be stored in a residential district within a permanent fully enclosed structure such as a carport or garage.
- b. Recreational Equipment may be stored within a front yard provided the following are met:
  - i. Recreational Equipment is stored within a residential driveway but not in any portion of a public right-of-way or within any designated pedestrian way.
  - ii. At no time shall a Recreational Equipment, or any portion of a Recreational Equipment be parked or stored within the Sight Triangles. See Figure 14.9.1.
  - iii. Recreational Equipment, if stored in the front yard, shall be stored perpendicular to the front building line.
  - iv. Major Recreational Equipment, at no time, shall be stored on an unimproved surface within the front yard.
  - v. A boat may not exceed 28 foot in length
  - vi. No more than one item of major recreational equipment may be stored in the front yard.
- c. Recreational equipment may be stored in the rear yard and/or side yard, provided the following are met:
  - i. A five (5) foot setback from the rear and side property lines is maintained when stored behind the front building line.
  - ii. No portion of Recreational Equipment shall extend forward of the front building line.
  - iii. Temporary storage tents for Recreational Equipment are prohibited.
- d. Recreational equipment shall not be used for living, sleeping, temporary or for permanent housing purposes while parked or stored in a residential district.

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- i. No utilities shall be connected to recreational equipment, except electricity, on a temporary basis for maintenance and/or cleaning of the vehicle and/or equipment.
- e. Recreational equipment shall not be parked or stored in required parking spaces of multiple-family developments.
- f. Recreational equipment shall be properly licensed in accordance with all Florida laws.

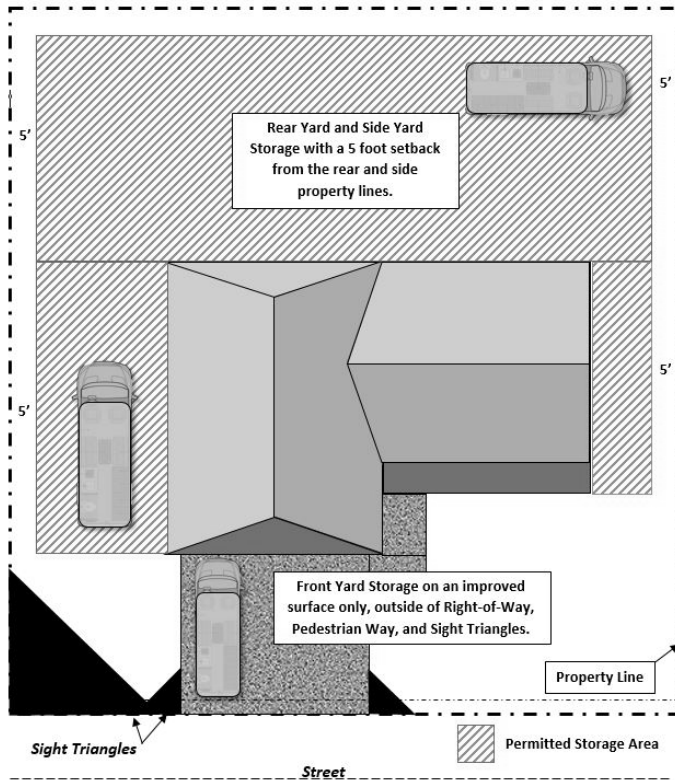


Figure 14.9.1. Approved Recreational Vehicle Storage Areas in Residential Districts

( Ord. No. 1465-17 , § 1, 12-12-2017)

#### 14.10 PARKING EXEMPTIONS

- A. **Applicability.** When a use is exempt from vehicle parking requirements by this Article, bicycle parking is exempted as well. If a use that is exempt from vehicle parking voluntarily provides parking, bicycle parking, as required by this Article, is not required.
- B. **Exemptions from Parking Requirements.**

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- (1) Development without an above ground residential component within the D-CM Zoning District may, based upon parking analysis, development type, and other conditions, be exempt from all off-street vehicle parking requirements.
- (2) Existing structures as of the effective date of this Code that currently do not provide any parking due to lack of sufficient space on the lot to accommodate parking are exempt from all off-street vehicle parking requirements regardless of any change in use.
  - a. Once the principal building is demolished, this exemption is no longer valid.
  - b. If the lot area is expanded (e.g., the adjoining lot is purchased), this exemption is no longer valid.

#### 14.11 SHARED PARKING

##### A. Eligibility.

- (1) Mixed-use developments, multi-use office parks, and similar types of development, and property owners that establish cross access easements are all eligible for shared parking.
- (2) Multi-tenant retail centers are not eligible for shared parking based on individual uses within the multi-tenant structure as a whole, if cross access easements with adjacent uses are established, shared parking may be provided.
- (3) Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Table 10-3: Shared Parking Calculation.

##### B. Shared Parking Calculation. Table 14.11.1 is applied in the following manner:

- (1) The required number of spaces for each use is calculated according Table 14.2.1.
- (2) The required number of spaces for each use is then applied to the percentages for each timeframe according to the appropriate land use category in Table 14.11.1 to determine the number of required spaces. This is done for each timeframe category.
- (3) The numbers are summed within each timeframe and the highest sum total in a timeframe is the required number of spaces. Refer to 14.11(B)(5) below.
- (4) Shared parking may be located off-site so long as it complies with the location requirements as set forth in this Article.
- (5) Sample Calculation: Multi-use Office Park.

**Table 14.11.1. Shared Parking Calculation.1.**

| LAND USE      | Weekday       |                     |                | Weekend        |                     |                |
|---------------|---------------|---------------------|----------------|----------------|---------------------|----------------|
|               | Mid—7:00 a.m. | 7:00 a.m.—6:00 p.m. | 6:00 p.m.—Mid. | Mid.—7:00 a.m. | 7:00 a.m.—6:00 p.m. | 6:00 p.m.—Mid. |
| Residential   | 100%          | 100%                | 100%           | 100%           | 100%                | 75%            |
| Commercial    | 0%            | 100%                | 80%            | 0%             | 100%                | 60%            |
| Restaurant    | 50%           | 70%                 | 100%           | 45%            | 70%                 | 100%           |
| Hotel         | 100%          | 50%                 | 90%            | 100%           | 65%                 | 80%            |
| Office        | 5%            | 100%                | 5%             | 0%             | 40%                 | 10%            |
| Manufacturing | 5%            | 100%                | 5%             | 0%             | 60%                 | 10%            |

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**Table 14.11.2. Required Parking Spaces for Individual Uses Based on Table 14.2.1**

| Use and Square Footage                            | Parking Requirement              | Number of Spaces Needed |
|---------------------------------------------------|----------------------------------|-------------------------|
| Office: 24,000 sf GFA                             | 1 per 300 sf GFA                 | 80 spaces               |
| Hotel/Motel: (55 rooms, 9 employees)              | 1 per room + 1/2 employees       | 60 spaces               |
| Restaurants: (75 seats, 10 employees)             | 1 per 5 seats + 1/2 employees    | 20 spaces               |
| Retail Establishments: 7,800 sf GFA (8 employees) | 1 per 300 sf GFA + 1/2 employees | 30 spaces               |
| <b>TOTAL SPACES REQUIRED</b>                      |                                  | <b>190 spaces</b>       |

- a. Using the shared parking calculation, these numbers are plugged into the table and using the percentages allotted to each land use for each time of day, are calculated as total spaces required per timeframe.

**Table 14.11.3. Shared Parking Calculation.2.**

| Land Use     | Required by Code | Mid.—7:00 a.m. |           | 7:00 a.m.—6:00 p.m. |            | 6:00 p.m.—Mid. |            | Mid.—7:00 a.m. |           | 7:00 a.m.—6:00 p.m. |            | 6:00 p.m.—Mid. |           |
|--------------|------------------|----------------|-----------|---------------------|------------|----------------|------------|----------------|-----------|---------------------|------------|----------------|-----------|
|              |                  | %              | #         | %                   | #          | %              | #          | %              | #         | %                   | #          | %              | #         |
| Residential  | N/A              | 100%           | N/A       | 100%                | N/A        | 100%           | N/A        | 100%           | N/A       | 100%                | N/A        | 75%            | N/A       |
| Commercial   | 30               | 0%             | 0         | 100%                | 30         | 80%            | 24         | 0%             | 0         | 100%                | 30         | 60%            | 18        |
| Restaurant   | 20               | 50%            | 10        | 70%                 | 14         | 100%           | 20         | 45%            | 9         | 70%                 | 14         | 100%           | 20        |
| Hotel        | 60               | 100%           | 60        | 50%                 | 30         | 90%            | 54         | 100%           | 60        | 65%                 | 39         | 80%            | 48        |
| Office       | 80               | 5%             | 4         | 100%                | 80         | 5%             | 4          | 0%             | 0         | 40%                 | 32         | 10%            | 8         |
| <b>TOTAL</b> | <b>190</b>       |                | <b>74</b> |                     | <b>154</b> |                | <b>102</b> |                | <b>69</b> |                     | <b>115</b> |                | <b>94</b> |

- b. The shared parking provision allows this Multi-use Office Park to be constructed with 154 spaces (the highest number of spaces within the various timeframes - the 7:00 a.m. to 6:00 p.m. timeframe). This is because these timeframe calculations take into account the times of day the various uses utilize the most parking.

#### 14.12 ILLEGALLY PARKED, INOPERATIVE AND ABANDONED VEHICLES, PROCEDURES FOR REMOVAL

- A. The provisions of this Section 14.12 shall authorize the towing and impounding of vehicles, within the City of Milton. This Section shall not impair the authority provided under any other applicable City Ordinance or Regulation, but rather shall be read to provide additional authority to authorized City employees, to have vehicles towed and impounded.
- B. Towing and Impounding Authorized. City of Milton Police Officers, Code Enforcement, City Manager, and their authorized designees shall be authorized to have a vehicle towed and impounded as authorized under any other applicable City Ordinance or Regulation, and also under the following conditions:

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1. Any trailer, recreational equipment, inoperative vehicle, untagged vehicle, or commercial/business vehicle which is parked in violation of any unified development code, ordinance or regulation, including streets or rights-of-way, and, or declared to be a nuisance which is detrimental to the general welfare of the people of the city.
  2. If a trailer, recreational equipment, inoperative vehicle, untagged vehicle, or commercial/business vehicle is parked in a street or right-of-way in violation of this article in violation of any unified development code, ordinance or regulation, the nuisance may be abated pursuant to Code Enforcement.
  3. A vehicle is illegally parked upon or is illegally trespassing upon property owned by the City of Milton, other than a roadway or public right-of-way.
  4. Any recreational equipment, vehicle, trailer, inoperative vehicle, untagged vehicle, or commercial/business vehicle is illegally parked on private property for which the City has a valid traffic enforcement agreement that permits towing without property owner notification or consent, or is illegally parked on private property and the property owner consents to the tow.
  5. Safety hazard. Any vehicles left at a public place within the city which constitutes an immediate danger to public safety may be immediately removed and impounded until lawfully claimed or disposed.

C. Illegally parked, inoperative and abandoned vehicles, procedures for removal.

1. Whenever the code enforcement officer or city police officer shall ascertain that a vehicle, boat or trailer is illegally parked, or stored, or that articles of abandoned property are present on private property within the city limits in violation of any unified development code, nuisance ordinance or regulation, or other similar city ordinance or regulation, the code enforcement officer shall cause a notice to be placed upon such article in substantially the following form:
  - i. "This property, to with (setting forth brief description) located at (setting forth brief description) is improperly stored and is in violation of (setting forth ordinance regulation violated) and must be removed within ten date from the date of such notice; otherwise it shall be presumed to be abandoned and will be removed and destroyed by the city. If the property is a motor vehicle or boat, the owner will be liable for the costs of removal and destruction."
  - ii. Dated this: (setting forth date of posing notice) Signed: (setting forth name, title, address and telephone number of enforcement officer)."
  - iii. Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproofed to withstand normal exposure to the elements for ten days. In the event that the real property upon which the articles of abandoned property are located is zoned for residential use, the office will also send a copy of the notice by first class United States mail to the real property address.
2. In a case where conditions which make it difficult or dangerous for any enforcement officer to post the article of abandoned property, the enforcement officer may provide by certified mail to the real property owner upon which the abandoned articles are located as shown by the most recent real estate tax record available to the city, and if the abandoned property is a motor vehicle or boar, shall make a reasonable effort to ascertain the owner's name and address and shall mail a copy of the notice to such owner.

If at the end of ten days after posting and if required, mailing or acknowledgement of the receipt of a notice by certified mail, the owner or any person interested in the abandoned article described in such notice has not removed the article and complied with the ordinance or regulation cited in the notice, the enforcement officer may cause the article of abandoned property to be removed and destroyed.

( Ord. No. 1465-17 , § 1, 12-12-2017)

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## **ARTICLE 15. RIGHT-OF-WAY AND ACCESS STANDARDS**

### **15.1 BLOCKS**

#### **A. Block Length.**

- (1) Residential blocks shall not exceed 1,000 feet in length, unless approved by the City Council. Shorter block length is desirable.
- (2) Where blocks are 900 feet or more in length City Council shall require a 20-foot pedestrian easement which bisects the block.

#### **B. Block Design.**

- (1) The shape of a new block must be generally rectangular, but should vary to conform to natural features, highway and rail rights-of-way, park boundaries, or site constraints.
  - a. Where blocks curve, they must generally maintain their cardinal orientation over their entire trajectory.
  - b. Additionally block shape shall be determined with regard to the following:
    - i. The provision of building sites of adequate size and shape dependent upon the type of use being contemplated; and
    - ii. The zoning requirements of the development site; and
    - iii. The need for convenient access, circulation, control, and safety of street traffic; and
    - iv. The limitation of the topography.
    - v. Should be oriented for drainage.
- (2) Blocks shall be wide enough to allow for two tiers of lots (i.e., two lots deep).

### **15.2 GENERAL RIGHT-OF-WAY STANDARDS**

All new construction, reconstruction, and reconfiguration of rights-of-way must comply with this section. This does not apply to limited access expressways. Rights-of-way must be designed in relation to topographic and drainage conditions, public safety, and the development served by the right-of-way.

#### **A. Right-of-Way Construction.**

- (1) All public and private rights-of-way should be improved as complete streets.
  - a. The City reserves the right to require that all new development involving the platting of land or private drives meet the complete street standards found herein.
  - b. A complete street is defined as right-of-way facilities that are designed and operated to enable safe access for all users. Persons with disabilities, pedestrians, bicyclists, motorists, and transit riders are able to safely move along and across a right-of-way designed as a complete street.
- (2) New rights-of-way shall connect to and extend the existing block network where possible. This requirement does not apply when connections cannot be made because of a natural or man-

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made barrier, such as existing structures, existing subdivisions, steep slopes, wetlands and waterbodies, railroad and utility rights-of-way, and parks and dedicated open space.

- (3) All rights-of-way construction and repair must be in accordance with standards and specifications set forth by the City Engineer or City Public Works.
- (4) Vertical alignment must be in accordance with standards and specifications set forth by the City Engineer or City Public Works.
- (5) Horizontal alignment must be in accordance with standards and specifications set forth by the City Engineer or City Public Works.
- (6) Unless approved by the City Engineer or City Public Works, all streets must have a centerline tangent of 100 feet between reversed curves.
- (7) Street grades must conform in general to the terrain. The minimum grade will be based on the surface type of the roadway as determined by the City Engineer or City Public Works.
  - a. Street grades should not be less than 3/10 of 1% nor more than 5% for major street and collector streets and not less than 3/10 of 1% nor more than 10% for minor streets unless steeper grades are permitted by the City Engineer or City Public Works.

**B. Intersection Requirements.**

- (1) Street intersections should be designed as close to right angles as possible. If, because of topography or other natural or manmade barriers, an intersection cannot be at right angles, the intersection may use an alternate design that ensures safety.
  - a. No Street shall intersect any other street at less than 70 degrees.
- (2) Street jogs with centerline offsets of less than 100 feet shall be avoided except where the intersected street has a divided roadway without a median break at either intersection.
- (3) These minimums may be increased where the City Engineer or City Public Works finds that larger arcs or radii are necessary for the proper design of the intersection.

**C. Property Line and Curb Radius.**

- (1) Curb radii cannot be less than 25 feet.
  - a. Curb radii must be increased proportionately where the angle of intersection decreases.
- (2) Property lines at street intersections shall be rounded with a radius of 35 feet or greater where deemed necessary by the development approval authority.

**D. Clearing and Grubbing.**

- (1) The entire area indicated for public use must be cleared and grubbed as directed by the City Engineer or City Public Works.
  - a. In the areas designated to be cleared and grubbed, all stumps, roots, brush, and other unsatisfactory materials must be removed to a minimum depth of two feet below the subgrade, then backfilled and compacted with suitable material.

**E. Drainage.**

- (1) Proper drainage is the responsibility of the sub-divider and shall comply with Article 13.
- (2) The type of drainage system (e.g. subsurface, open ditch, inverted crown, etc.) and its design must be approved by the City Engineer or City Public Works.

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- (3) Easement along lot lines shall be provided for drainage where necessary and shall be at least 20 feet wide; and
  - (4) Alternative infrastructure designs are encouraged.

**F. Utility Installation.**

- (1) Prior to paving of streets or sidewalks, water and sewer mains and services must be in place, or the developer must provide necessary casing for utilities.
- (2) No pavement may be cut without the approval of the City Engineer or City Public Works.
- (3) No boring of new pavement is allowed for the installation of new service line mains or other facilities unless approved by the City Engineer or City Public Works.

**G. Street Lighting.**

- (1) Prior to approval of a final plat, a plan for the installation of streetlights on all new streets must be approved. The street lighting plan must include the type, location, and mounting of all fixtures and poles, and evidence that the system must be designed to yield, at 80% efficiency, a minimum of 0.2 foot-candles at the centerline of the street with a uniformity ratio of four to one (average to minimum).

### 15.3 RIGHT-OF-WAY DIMENSIONS

- (1) All rights-of-way shall match one of the right-of-way types of this section, which may be modified as needed by the City Engineer or City Public Works to address specific site conditions.
- (2) Specific design features such as bike lanes and sidewalks may not be required on both sides of the right-of-way, if the minimum right-of-way widths for the various street types, as required in the Comprehensive Plan, has been achieved or surpassed.

- a. Minimum Arterial Right-of-Way width: 100 feet.
- b. Minimum Collector and Local Roadway widths are 60 feet.

**A. Right-of-Way Types.** The classifications of rights-of-way are divided into the following:

**(1) Primary Classifications.**

- a. Arterial roadways, also known as Major Streets, carry the majority of trips entering and leaving the Planning Area, as well as the majority of through movements.
- b. Collector roadways provide both access to and traffic circulation within residential neighborhoods and commercial areas. Collector streets differ from major streets in that collector streets enter residential neighborhoods, distributing trips from arterials through the area to destinations. Collector streets also collect traffic from local streets in residential neighborhoods and channel into the arterial system.
- c. Local roadways, also known as Minor streets, primarily provide direct access to abutting land and access to the higher order street.

**(2) Secondary Classifications.**

- a. A Frontage road is a secondary road running parallel to a major street or highway that provides access to houses and businesses.
- b. Alleys are a vehicular drive located to the rear of lots providing access to service areas, parking, and outbuildings, and often containing utility easements.

- B. **Right-of-Way Dimensional Requirements.** Minimum dimensions are provided for each right-of-way type. The illustrative examples are also provided to demonstrate a potential configuration of a right-of-way type. Variations to these configurations may be approved by the City Engineer or City Public Works. All dimensions indicated are minimums for the particular type of right-of-way, unless otherwise indicated.
- C. **Right-of-Way Design Requirements.** Figures 15.3.1 through 15.3.8: Right-of-Way Types, provides right-of-way dimensions. Rights-of-way must be designed and constructed in accordance with the standards of this Article.

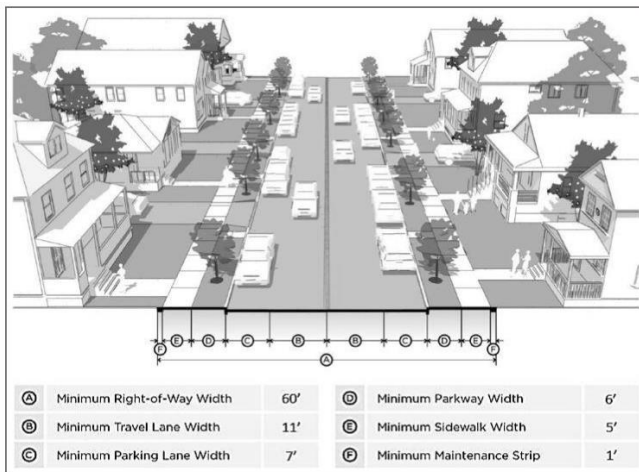


Figure 15.3.1. Minor Street: Neighborhood Two Lane

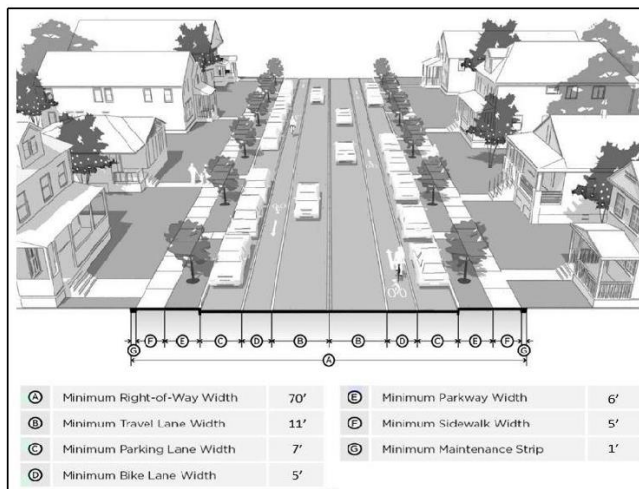


Figure 15.3.2. Minor Street: Neighborhood Two Lane with Bicycle Lanes

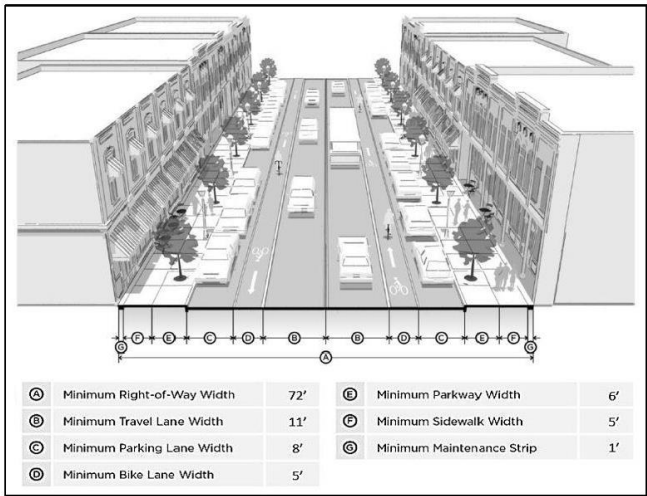


Figure 15.3.3. Collector Roadway: Two Lane—Undivided

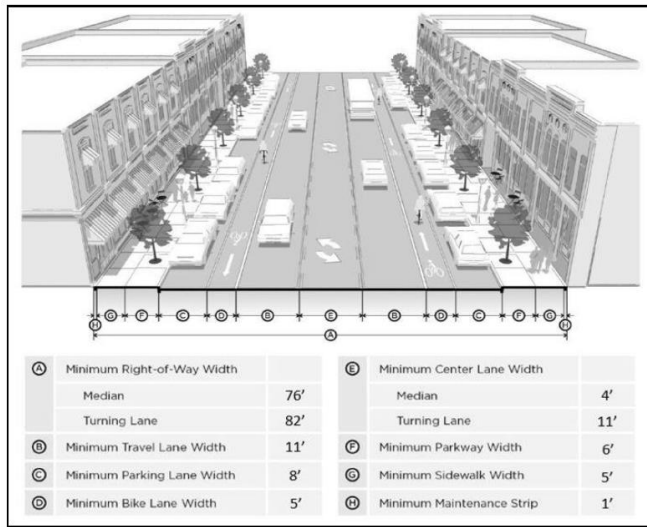


Figure 15.3.4. Collector Roadway: Two Lane—Divided

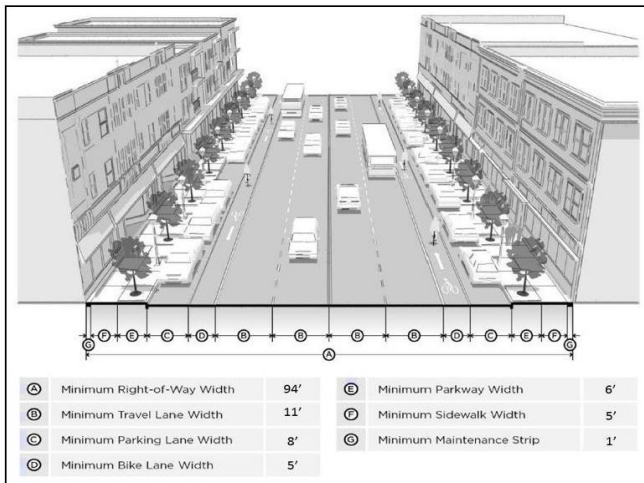


Figure 15.3.5. Collector Roadway: Four Lane—Undivided

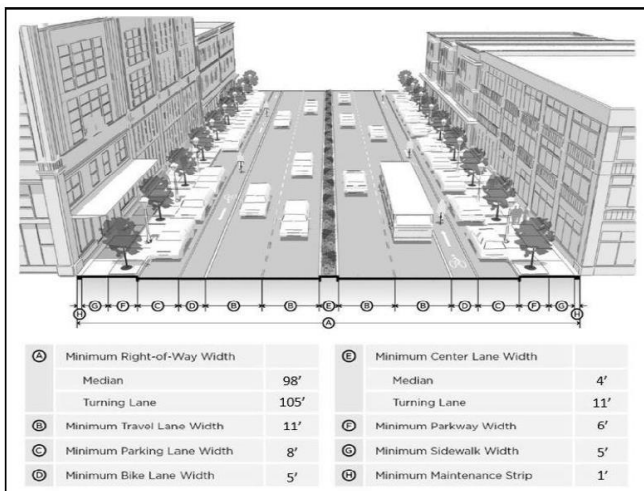


Figure 15.3.6. Arterial Roadway: Four Lane—Divided

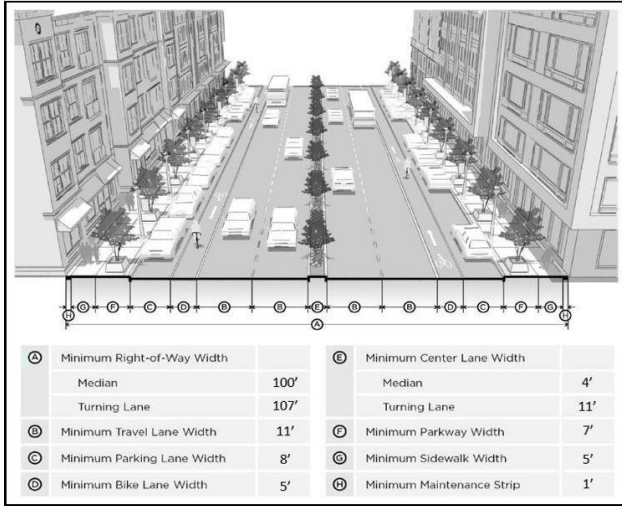


Figure 15.3.7. Arterial Roadway: Four Lane—Divided

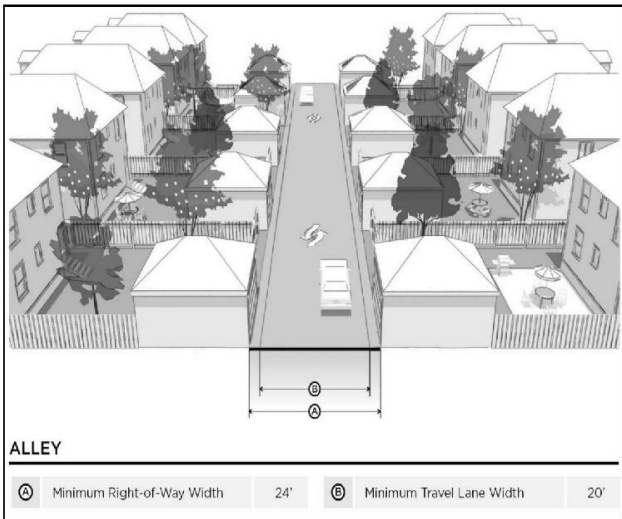


Figure 15.3.8. Secondary Class: Alley

## 15.4 ACCESS MANAGEMENT STANDARDS

All proposed developments shall conform to the guidelines in 15.4(A) for vehicular access to the greatest extent possible without denying reasonable access to any proposed development. The following standards shall determine the character and number of access points to be allowed unless the development approval authority determines that unmitigated conditions exist. Nothing in this section shall be construed to prohibit development access to a public right-of-way.

- A. **Development on the State Highway System.** Proposed development requesting direct access to an arterial or collector roadway on the state highway system must apply for a driveway permit from the state department of transportation (FDOT) in accordance with F.A.C. Ch. 14-96, State Highway System Connection Permits. FDOT conceptual approval for the driveway must be granted prior to final approval of the development plan by the city. The following minimum distances between driveway connections, median openings and traffic signals shall apply. However, it is not the city's intent to prohibit a duly warranted traffic signal which is required to mitigate safety and access problems.

**Table 15.4.1. Minimum Distances between Driveway Connections, Median Openings, and Traffic Signals**

| Posted Speed (MPH)       | Minimum Connection Spacing (Feet) | Minimum Median Opening (full) (Miles) | Minimum Median Opening (directional) (Feet) | Minimum Signal Spacing (Miles) |
|--------------------------|-----------------------------------|---------------------------------------|---------------------------------------------|--------------------------------|
| 35 or less special case* | 25                                | 0.125                                 | 330                                         | 0.25                           |
| 35 or less               | 45                                | 0.2                                   | 660                                         | 0.25                           |
| 36—45                    | 40                                | 0.25                                  | 660                                         | 0.25                           |
| Over 45                  | 60                                | 0.50                                  | 1320                                        | 0.25                           |

\*The 35 mph or less (special case) standards shall be used only where current connection development averages at least 50 connections per mile on the side of the highway for which the connection is required, based on actual count of connections one-fourth mile in each direction (total one-half mile) from the proposed connection.

- B. **Commercial Corridor Standards.** Highways 87, 89, and 90, also known as Stewart St., Dogwood Dr. and Caroline St., respectively, are considered Arterial Roadways, and the City's major commercial corridors. As such, non-residential development on parcels which abut these roadways shall be improved in accordance with the following, in addition to all other applicable standards of this code.
- (1) *Street standards.*
    - a. Arterial roadways shall be of a 45-mph design speed.
  - (2) *Utility standards.*
    - a. Underground utilities are required for all street frontages.
      - i. Where the enforcement of the provisions of this section would result in undue hardship on the part of a utility, sub-divider or developer, application for exception from the provisions herein may be made in the following manner.



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- ii. Upon written application, an exception may be granted by the Board of Adjustments in cases where the installation of underground utilities would present a unique hardship.
    - 1) Conditions imposed by the Planning Board or by the City Council are excluded from this appeal process.
  - iii. Written application shall be filed with the Planning and Development Department, with a copy to the City Engineer;
  - iv. Such written application shall include all information, facts and figures necessary to properly advise and inform the Director of Planning and Development and the City Engineer of the circumstances which require such appeal and which create the hardship;
- (3) *Connectivity standards.*
- a. Within all developments, the following standards shall apply unless a variance is sought and obtained from the Board of Adjustments due to unusual topography or environmental constraints that create a severe and unique hardship:
    - i. Continuous pedestrian walkways shall be provided to connect building entrances to required sidewalks along street frontages.
  - b. The utilization and provision of connections to and from adjacent developments and developable parcels shall be required.
    - i. All development plans shall incorporate and continue all cross access or stubs to the boundary of the development plan by previously approved development plans or existing development.
  - c. All development plans shall provide for future public connections to adjacent developable parcels by providing a connection spaced at intervals not to exceed 200 feet along each development plan boundary that abuts potentially developable or re-developable land.
  - d. Multimodal access shall be provided or constructed for a commercial or multifamily residential development that abuts another commercial or multifamily residential development, whether existing or planned. The development of the site shall incorporate the following:
    - i. Continuous access where necessary to connect adjacent parcels along the thoroughfare.
    - ii. Driveway aprons, stub-outs, and other design features to indicate that abutting properties may be connected to provide cross access.
    - iii. New commercial or multifamily property that abuts a planned, new or existing multifamily residential property shall provide for a minimum five-foot wide sidewalk connecting the two uses.

C. **Cross-Access.**

- (1) *Joint Use Driveways.*
  - a. Adjacent uses may share a common driveway; provided that appropriate access easements are granted between or among the property owners.
  - b. The use of joint driveways may be required by the development approval authority when feasible and when necessary to meet the provisions of this article.

- (2) Adjacent non-residential uses, including mixed-use development, with dedicated parking areas are encouraged to provide a cross-access drive to allow circulation between sites. Property owners are encouraged to pursue cross-access with adjacent property owners at the time of development.
- (3) Joint Use Driveways and Cross-Access easements must incorporate the following:
  - a. Bump-outs and other site design features to make it visually obvious that the abutting properties are tied together.
  - b. A unified access and circulation plan for shared parking areas.

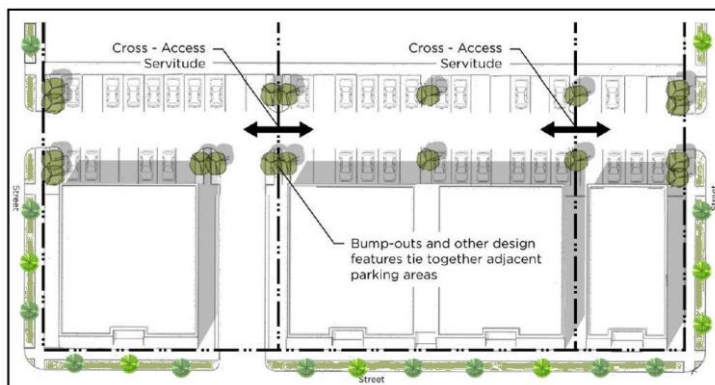


Figure 15.4.1. Cross-Access Easement/Servitude Diagram

- (4) Pursuant to this section, property owners who establish cross-access easements must:
  - a. Record an Easement allowing cross-access to and from properties served by the joint use driveways and cross-access servitude.
  - b. Any pre-existing driveways must be closed and eliminated after construction of the joint-use driveway.
  - c. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

**D. Deceleration Lanes.**

- (1) A major driveway entering a street with a regulated speed greater than 35 miles per hour shall be required to provide a deceleration lane.
- (2) An acceleration or deceleration lane that would begin or end within 75 feet of another driveway or intersecting street shall be lengthened so that it connects with the adjacent street or driveway.

**E. Additional Access Management Standards in Commercial Districts.**

- (1) *Driveway Connections.*
  - a. Driveway connections to public streets shall be consistent with the following standards:

- i. Driveway connections shall not be permitted within the controlled access zone of an intersection.
  - ii. Out parcels with less than 100 feet of road frontage are restricted to internal access only.
  - iii. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet in width, and one inbound lane with a minimum width of 12 feet.
  - iv. No residentially developed property may have a curb cut in excess of 40 feet in width, and no nonresidential property may have a curb cut in excess of 48 feet without approval of the public works director and fire chief.
  - v. Except for single-family and two-family residences, driveway grades shall conform to the requirements of the Florida Department of Transportation Regulations for Driveway and Encroachment Control.
  - vi. Except where driveways are on opposite sides of a raised median, driveways on opposite sides of a street shall either directly align or have offsets of a minimum of 100 feet, as measured between the extended centerlines of such driveways.
  - vii. Whenever possible, driveways on undivided arterials, collector streets, or local streets should align with driveways (if any) on the opposite side of such street.
  - viii. On a divided arterial street that includes a median, driveways should align with median breaks whenever possible. Driveways not meeting this standard shall be limited to right turn access (ingress) and right turn egress only.
- (2) *Driveway throat length.* The length of a driveway or "throat length" for a commercial or office development shall be designed in accordance with the vehicle storage required for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site vehicle and pedestrian circulation. The throat lengths specified in the table below are generally acceptable guidelines intended for the major entrance driveway of a commercial development. Alternative designs that meet the safety and circulation needs of vehicular and pedestrian traffic shall be considered by the development approval authority.

**Table 15.4.2. Driveway Throat Length for Commercial Centers**

| Commercial Center Total Gross Floor Area                                                         | Throat Length of Principal Driveway |
|--------------------------------------------------------------------------------------------------|-------------------------------------|
| Under 25,000 square feet                                                                         | 30 feet—50 feet                     |
| 25,000—50,000 square feet                                                                        | 50 feet—65 feet                     |
| 51,000—100,000 square feet                                                                       | 65 feet—100 feet                    |
| 101,000—150,000 square feet                                                                      | 100 feet—150 feet                   |
| 151,000—200,000 square feet                                                                      | 150 feet—185 feet                   |
| Over 200,000 square feet                                                                         | 185 feet or more                    |
| Note: * For driveways that allow right turns only the throat length may be reduced by one-third. |                                     |

**F. Location of Access Points.**

- (1) Driveways shall be located at a point along the frontage of the property that will provide acceptable sight distance minimum 25-foot sight triangle, grade, and alignment conditions for motorists using the proposed driveway and the street, and will avoid any unreasonable interference with the free and safe movement of traffic.
- (2) Existing or proposed highway features such as adjacent existing or future land uses, other driveways, median openings, turn lanes, intersections, drainage facilities, traffic signals, pedestrian traffic, and utilities shall be considered in determining the location of driveways.
  - a. In the interest of public safety, maintenance of service level, and convenience, the placement of a driveway may be restricted to a particular location along the frontage and sight triangle dimensions may be increased.
- (3) Curb cuts for driveways on single family - attached or detached, and two family dwelling lots shall be prohibited along arterial streets.

G. **Separation and Number of Access Points/Driveways/Curb Cuts.** A minimum number of driveways or street vehicular access points are required per the following table:

**Table 15.4.3. Non-Residential Development Access Points**

| Type of Development                                    | Minimum Number of Vehicular Access Points to Public Streets |
|--------------------------------------------------------|-------------------------------------------------------------|
| Non-residential, less than 50 required parking spaces  | 1 or shared                                                 |
| Non-residential, 50—299 required parking spaces        | 2 or shared                                                 |
| Non-residential, 300—999 required parking spaces       | 3 or shared                                                 |
| Non-residential, 1,000 or more required parking spaces | 4 or shared                                                 |

- (1) All curb cuts require approval of the City Engineer or Public Works.
- (2) Single-family, two-family, and semi-detached dwellings are limited to one access point. However, lots of 120 feet or more of street frontage may have two access points to create a circular drive or provide access to the rear and/or side yard only.
- (3) Townhouse and multi-family dwellings are limited to two access points per street frontage.
- (4) Lots for non-residential uses in all districts are limited to two access points per street frontage. Development on lots of 600 feet or more of street frontage, may have one additional access point for each 500 feet of additional frontage. This does not apply to drive-through uses or gas stations.
- (5) The separation between access points onto collector roadways, which are not on the state highway system, or between an access point and an intersection of such a collector roadway with another road, shall be at least 50 feet.
- (6) The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.
- (7) Additional driveways and/or design elements may be authorized when an approved traffic engineering study indicates a need for a departure from the above regulations.

H. **On-Site Traffic Circulation.** The following guidelines do not apply to single-family, detached or attached and two-family (duplex) residential developments.

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- (1) Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient;
  - (2) Parking and loading areas, aisles, pedestrian walks, landscaping, and open space areas shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings;
  - (3) Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
    - a. Vehicle drive-thru lanes which separate parking areas from building entrances shall be prohibited unless no other reasonable alternative exists;
  - (4) Off-street parking areas shall be physically separated (i.e. by separation strips) from adjacent roadways, as per the landscaping, screening, and sidewalk standards of this code, except for the access points approved by the development approval authority and/or the state department of transportation (FDOT), as applicable. The county shall have control of the access points on county roads. Applicant/developer shall coordinate county permitting and provide the city with the appropriate county driveway permit.

## 15.5 SIDEWALK DESIGN STANDARDS

### A. Sidewalk Requirements.

- (1) Sidewalks shall be provided on at least one side of all rights-of-way. Sidewalks are not required where one side of the right-of-way is a railroad, or other feature to which the public does not require access.
- (2) Sidewalks must be paved with a permanent, fixed, non-slip material.
- (3) Sidewalks must be as straight and direct as possible.
  - a. Where a development has greater than 500 feet of street frontage, a more unique and meandering sidewalk design which incorporates landscaping focal points and other pedestrian features is encouraged.
- (4) Where sidewalks cross driveways, the sidewalk zone must remain level, with no change in cross-slope.
- (5) All sidewalks shall be a minimum of five (5) feet in width unless otherwise required by this code.

### B. Sidewalk Design Standards in the D-CM Zoning Districts.

- (1) A minimum five (5) foot wide sidewalk shall be required.
  - a. If a wider sidewalk is adjacent to the development, the minimum required width shall mimic the existing.
  - b. Bulb-outs, street trees, and other features shall occur outside of the required sidewalk space.
  - c. Approved Street Lighting may be placed within the required sidewalk space.
- (2) Pedestrian crosswalks shall be provided at all key intersections within the development and shall be clearly designated with decorative paving complimentary to the development and surrounding structures.
- (3) Suspended planter or flower boxes may project up to 18 inches into the required sidewalk space.
- (4) Stoops, stairs and access ramps may not project into the required sidewalk space.

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## 15.6 BICYCLE LANE DESIGN STANDARDS

- A. Where bicycle lanes are included in right-of-way construction, reconstruction, and reconfiguration projects, appropriate designs include, but are not limited to, the design types of this section. Where installed, bicycle facilities, shall be constructed in accordance with the applicable Florida Department of Transportation standards and/or the Manual on Uniform Traffic Control (MUTCD) and the Urban Bikeway Design Guide published by the National Association of City Transportation Officials (NACTO).
- (1) *Shared*: A marking placed in a vehicular travel lane to indicate that a bicyclist may use the full lane. Also called a shared-lane marking.
  - (2) *Bike Lane*: A portion of the roadway that has been designated by striping, signs, and pavement markings for the preferential or exclusive use of bicyclists, typically located adjacent to motor vehicle travel lanes and flowing in the same direction as motor vehicle traffic.
  - (3) *Buffered Bike Lane*: A conventional bicycle lane paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane.
  - (4) *Contra-Flow Bike Lane*: A bicycle lane designed to allow bicyclists to ride in the opposite direction of motor vehicle traffic, typically used to convert a one-way traffic street into a two-way street, one direction being for motor vehicles and bikes, and the other being for bikes only.
  - (5) *Left-Side Bike Lane*: A conventional bike lane placed on the left side of one-way streets or two-way median divided streets.
  - (6) *Cycle Track*: An exclusive bike facility that combines the user experience of a separated path with the on-street infrastructure of a conventional bike lane. A cycle track is physically separated from motor traffic and distinct from the sidewalk.
  - (7) *Raised Cycle Track*: A bicycle facility that is vertically separated from motor vehicle traffic, typically paired with a furnishing zone between the cycle track and motor vehicle travel lane and/or pedestrian area, and allowing for one-way or two-way travel by bicyclists.
  - (8) *Two-Way Cycle Track*: A physically separated cycle track that allows bicycle movement in both directions on one side of the road.

***ARTICLE 16. SIGN STANDARDS***

### 16.1 APPLICABILITY

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

### 16.2 PURPOSE AND INTENT

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the City of Milton to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- A. Setting standards and providing uniform controls that permit reasonable use of signs and preserve the character of the City of Milton.
- B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Establishing a process for the review and approval of sign permit applications.
- E. Ensuring sign design that builds on the traditional Neighborhood image and visual environment the City of Milton seeks to promote.

### 16.3 PROHIBITED SIGNS

- A. The following signs are prohibited from placement, construction, installation, and/or use within the City of Milton. Signs determined to be in violation with these regulations may be removed in accordance with Subsection 16.10 of these regulations.
  - (1) Abandoned Signs;
  - (2) Snipe Signs;
  - (3) Signs that are in violation of the Florida building code;
  - (4) Any sign that, in the Planning and Development Director's opinion, does or will constitute a safety hazard;
  - (5) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible mechanical means, except for traditional barber poles or tri-face signs revolving no more than six times per minute (i.e., see the same face again);
  - (6) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy;



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- (7) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, except for time-temperature-date signs and other approved electric variable message signs;
  - (8) Strings of lightbulbs used on commercially developed parcels for commercial purposes on any street fronting portion of the structure, other than traditional holiday decorations;
  - (9) Signs, commonly referred to as wind signs, consisting of one or more pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind, except as provided in Subsection 16.7.b(2) of this Article.
  - (10) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals;
  - (11) Signs that emit audible sound, odor, or visible matter such as smoke or steam;
  - (12) Signs or sign structures that interfere in any way with the free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or other ordinance of the city/county;
  - (13) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device;
  - (14) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;
  - (15) Signs, within ten feet of a public right-of-way.
  - (16) Signs within 100 feet of traffic-control lights that contain red or green lights that might be confused with traffic control lights;
  - (17) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics;
  - (18) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;
  - (19) Searchlights used to advertise or promote a business or to attract customers to a property;
  - (20) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs;
  - (21) Signs placed upon trees, benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to F.S. § 337.407;
  - (22) Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes and signs authorized in writing pursuant to F.S. § 337.407;
  - (23) Signs erected over or across any public street, except as may otherwise be expressly authorized by these regulations, and except governmental signs erected by or on the order of a public officer;
  - (24) Signs displaying copy that is harmful to minors as defined by these regulations;
  - (25) Signs attached to any vehicle, craft, or structure in or on a water body designed or used for the primary purpose of displaying advertisements. Provided, however, that this section shall not apply to any vehicle, craft, or structure which displays an advertisement or business notice engaged in the usual

business or regular work of the owner, and not used to merely, mainly or primarily to display advertisement;

(26) Placing of handbills or advertising materials on the windshields of vehicles shall be a violation of these regulations, unless permission to do so is first obtained from the owner and person in possession of such vehicle; and

(27) Signs on or against roof slopes of less than 45 degrees.

**B. Examples of Prohibited Signage:**



( Ord. No. 1470-18 , § 1, 4-10-2018)

**16.4 EXEMPT SIGNS**

A. The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of signage allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- (1) Official traffic signs.
- (2) Government/regulatory signs.

(Supp. No. 14)

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- (3) Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from any window.
- (4) Holiday and seasonal decorations.
- (5) Personal expression signs, including political signs, provided that they meet the following:
- Do not exceed three (3) sq. ft. in area per sign and nine (9) sq. ft. total;
  - Are non-commercial in nature and contain no advertising;
  - Are not harmful to minors as defined in this article; and,
  - Are not illuminated.
  - Are located on private property with owner consent.
  - Political signs shall conform to the requirements provided in Subsections 16.7(c) and 16.9.
- (6) Address signs—Up to two (2) signs stating address, number and/or surname of occupants of the premises and which do not include any commercial advertising.
- Residential districts.* Signs not to exceed three (3) sq. ft. in area.
  - Non-residential districts.* Signs not to exceed five (5) sq. ft. in area.
- (7) Public signs—Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- (8) Private drive signs—One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
- (9) Security and Public warning signs which indicate the dangers of trespassing, swimming, animals' present, and/or similar hazards.
- Residential districts.* Signs not to exceed two (2) sq. ft. in area.
  - Non-residential districts.* Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.
- (10) Flags:
- American and Governmental flags are exempt when displayed in accordance with standard display practices.
  - Location. Flags and flagpoles shall not be located within any right-of-way.
  - Height. Flags shall have a maximum height of 30 ft.
  - Number. The number of flags, which may be displayed on any one parcel of land will be determined by the total square footage of the flag. The square footage allowable will be determined to be equal to the square footage of the total signage requirements for the building structure. The number of flags allowable will be the square footage divided into the allowable square footage (e.g., 48 total square footage of signage allowable divided by two-square foot per flag equals 24 flags). Flags will not decrease the allowable sign square footage.
  - Size. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.
  - Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property and require permit application.
- (11) Legal notices and official instruments.

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- (12) Vending machine signs and signs of a similar nature.
  - (13) Memorial signs, tablets, Public monument or historical identification signs, including plaque signs up to four (4) sq. ft. in area.
  - (14) Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
  - (15) Signs carried by a person.
  - (16) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the city council for a prescribed period of time.
  - (17) On-Premises Directional signs, shall not be counted as part of the allowable permanent signage area provided they do not contain any commercial messaging and meet the following:
    - a. *Area.* No single directional sign shall exceed four (4) sq. ft. in area.
    - b. *Height.* Directional signs shall have a maximum height of five (5) ft.
    - c. *Number allowed.* Maximum of three (3).
    - d. *Illumination.* Directional signs may be internally lit only.
    - e. Shall be constructed as permanent signage in locations that do not disturb the flow of traffic or cause any other safety hazards.
  - (18) One (1) unlighted window sign, advertising the sale, rental or lease of the premises or property upon which said sign is located. Such sign shall not exceed six square feet in sign area;
  - (19) Incidental Signs as defined in Article 2 of this Code.
  - (20) *"For Sale" Signs.*
    - a. One "For Sale" sign constructed of wood and/or metal or other acceptable plastic or composite material not to exceed six (6) feet in area and four (4) feet in height, shall be allowed without a permit.
  - (21) Menu signs, as defined in Article 2 of this Code, which are 50 square feet in size or less.

**B. Examples of Exempt Signage:**



( Ord. No. 1492-19 , § 1, 1-14-2020)

**16.5 PERMITS AND APPLICATIONS**

**A. Permitting.**

- (1) It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the City of Milton without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in § 5[section 16.4], Exempt Signs.
- (2) In order to apply for a sign permit, the applicant must complete an Application for Sign Permit form and be able to provide the following information, in writing, to the Planning and Development Department of the City of Milton.
  - a. Name of organization and location.
  - b. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.

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- c. Contact person and contact information.
  - d. Description of the activities occurring on the site where the sign will be installed.
  - e. Description of any existing signage that will remain on the site.
  - f. Identification of the type of sign(s) to be erected by the applicant.
  - g. Site plan depicting the locations of proposed signage and existing remaining signage.
  - h. Two copies of a plan drawn to scale depicting:
    - i. Lot dimensions, building frontage, and existing cart-ways, rights-of-way and driveways.
    - ii. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
    - iii. Building elevations, existing and proposed facades, façade area, parapet walls, eave-line and the location and size of all proposed and existing permanent signage.
    - iv. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
  - i. Engineering as per Section 12.6(5).
- (3) A permit fee, to be established from time to time by Resolution of the City of Milton, shall be paid.
  - (4) Applications for proposed signs located within the Historic District or within a Community Redevelopment Area shall require additional review by the appropriate bodies and may in turn necessitate the submission of additional copies.
  - (5) Attach the State of Florida Department of Transportation's fully completed application, if applicable.
- B. Permit Cost.**
- (1) Sign permit fees shall be adopted by resolution within the annual Resolution establishing the schedule of fees.
  - (2) There shall be a fee based on the signs' proposed display time frame. Permanent and Temporary signs shall each have fee amounts equivalent to the maximum display time frame for each sign class.

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## 16.6 PERMANENT SIGNAGE STANDARDS

### A. Generally.

- (1) All permanent signs not expressly exempted by these regulations as per Section 15.4 above, shall require a permit prior to the start of sign construction.
- (2) It shall be unlawful to erect or cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted by these regulations.
- (3) All permanent signs must comply with the following design, construction and location standards. Information about the size, location and design shall be presented to the zoning coordinator on forms acceptable to the Planning and Development Department.
- (4) *Construction and Maintenance Standards.*
  - a. All signs shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with this Code and applicable Florida Building Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
  - b. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City and County, and shall present a neat and clean appearance.
  - c. The vegetation around, in front of, behind, and underneath the bottom edge of pole signs and the base of ground signs for a distance of ten feet shall be neatly trimmed and free of weeds, rubbish, trash, and debris which could constitute a fire hazard, a health hazard, or which appear unsightly to passersby.
- (5) *Illumination standards.*
  - a. Sign lighting may not be designed or located to cause confusion with traffic lights.
  - b. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of the motorists or pedestrians using or entering public streets. Any relevant State and Federal regulations shall apply.
  - c. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign.
- (6) *Location Standards.*
  - a. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
  - b. No sign shall occupy a sight triangle. (See Subsection 2.2.)
- (7) *Clearance Standards.*
  - a. Over pedestrian ways.
    - i. All signs which extend over sidewalks, pedestrian walkways, and other spaces used by pedestrians shall provide a minimum of eight (8) feet of clearance from sign bottom.
  - b. Over vehicular ways.

- i. All signs which extend over vehicular areas, including driveways, alleys, parking areas, loading areas, and any other areas shall provide a minimum of 14 feet of clearance from sign bottom.

(8) *Signs required to be certified by a Florida registered engineer.*

- a. The following signs shall be designed and certified by a state-registered engineer:
  - i. Building signs that project perpendicularly from the surface to which it is attached and that are more than 24 square feet in area; and.
  - ii. Ground signs of more than ten feet in height and 100 square feet in area.

(9) *Content Restrictions.*

- a. Permanent signs may display any message so long as it is not harmful to minors as defined by these regulations.

(10) *Sign Area.*

- a. Building Signs, unless otherwise provided by this code, are limited in size by the principal building's street facing façade. The façade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roofs with slopes of less than 45 degrees. (See Subsection 2.2(P).)
  - i. The façade area of individual tenants in a multi-tenant building shall be determined by that area between the two interior (shared) walls or the interior wall and the exterior wall of each individual unit.

(11) *Number of Signs.*

- a. The number of signs shall be the number of noncontiguous sign faces. Multiple noncontiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. (See Subsection 2.2(P).)
- b. Special situations.
  - i. Where two sign faces are placed back to back and are at no point more than three feet apart, it shall be counted as one sign.
  - ii. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs. (See Subsection 2.2(P).)

**B. Permanent On-Premises Signage Standards in the C-1, C-2, C-3 and SSC-RC Zoning Districts.**

(1) *Types allowed.*

- a. A permanent on premise sign may be a ground or building sign.
  - i. Ground signs include Monument and Pole signs.
  - ii. Building Signs include Wall signs, Roof signs, Awning Signs, Canopy Signs, Marquee Signs, and any other type of sign that is permanently applied to or affixed to building surfaces, including Window Signs.
- b. Any sign, which becomes non-conforming, except permanent outdoor advertising signs, as a result of the passage of these regulations shall be governed by Article 10, Nonconformities.

(2) *Building Signs.*

- a. Signage for each business shall be permitted.



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- b. Building signage area shall not exceed ten percent of the principal building's street facing facade area.
    - i. In no case shall the allowed building signage exceed 180 square feet.
  - c. Theatre allowance. In addition to the requirements of this section, theatres shall be allowed advertising space to display movie schedules and movie posters as follows:
    - i. For movie schedules, a theatre may have an additional display area not to exceed 48 square feet; and
    - ii. For each screen an additional 12 square feet will be allowed for movie posters.
  - d. Relationship to building features.
    - i. A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.
  - e. Maximum projection.
    - i. A building sign may project no more than four feet perpendicularly from the surface to which it is attached.
    - ii. Signs which project perpendicularly from the surface to which it is attached and that are more than 24 square feet in area are required to be certified by a registered engineer.
  - f. Maximum window coverage.
    - i. The combined area of permanent and temporary signs placed on or behind windows shall not exceed 25 percent of the total window area at the same floor level on the same side of the building or unit upon which the signs are displayed.

(3) *Ground Signs.*

- a. Signs at intersections and driveways shall provide a 25-foot sight triangle.
- b. The leading edge of all signs shall have a ten-foot minimum setback from any right-of-way.
- c. The permissible number, area, spacing and height of permanent ground signs shall be determined in accordance to the following:
- d. For signs within the C-1, C-2, C-3, and SSC-RC Zoning Districts, the following restrictions apply in addition to all other applicable regulations:
  - i. Development entrance signs shall be limited to ground signs.
  - ii. Ground signs shall be limited to base and sign structure and shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building(s) in the development.
  - iii. The maximum sign area of any ground sign and/or pole sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members, shall be:
    - 1) Ground signs on lots with more than one tenant shall be no greater than 150 square feet in sign area. Pole signs on lots with more than one tenant shall be no greater than 80 square feet in sign area.
    - 2) Ground signs on lots with one tenant shall be no greater than 100 square feet in sign area. Pole signs on lot with one tenant shall be no greater than 50 square feet in sign area.
- e. Additional Signage Requirements for Commercial Zoning Districts.

**Table 16.5.1. Minimum Sign Distances**

| Commercial Zoning District | Minimum Distance (ft.) from: a) Any interior lot line, and b) Other permanent Ground Sign | Maximum Height (ft.) |
|----------------------------|-------------------------------------------------------------------------------------------|----------------------|
| C-1                        | 10/25                                                                                     | 20                   |
| C-2                        | 15/50                                                                                     | 35                   |
| C-3                        | 30/100                                                                                    | 35                   |

- i. The minimum distances in Table 16.5.1 shall apply to signage for all multiple-occupancy complexes.
- ii. Anchor stores in excess of 30,000 square feet shall be allowed to install a separate sign, along one street frontage:
  - 1) To be setback a minimum of ten feet from the property line;
  - 2) Not to exceed 100 square feet in sign area;
  - 3) Be no closer than 100 lineal feet to another sign on that right-of-way.
- f. For signs within the R-U, CON, PE and REC zoning districts the following restrictions apply:

**Table 16.5.2. Sign Area and Distance Standards in the R-U, CON, P-E, and REC Zoning Districts.**

| Frontage on R.O.W. (ft.) | Number of Signs | Total Sign Area/Maximum Sign Area for Individual Sign (sq. ft.) | Minimum Distance (ft.) from: a) Any interior lot line, and b) Other permanent Ground Sign | Maximum Height (ft.) |
|--------------------------|-----------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------|
| Less than 100            | 1               | 32/32                                                           | 15/25                                                                                     | 18                   |
| 100—119                  | 1               | 48/48                                                           | 20/40                                                                                     | 18                   |
| 200—299                  | 1               | 64/64                                                           | 50/60                                                                                     | 18                   |
| 300—399                  | 2               | 72/72                                                           | 50/80                                                                                     | 18                   |
| 400 or more              | 3               | 96/96                                                           | 50/100                                                                                    | 18                   |

- (4) **Banners.**
  - a. Banners can be Building or Ground Signs.
  - b. No banner shall exceed 32 square feet within any zoning district.
    - i. One banner per business will be allowed in the C-1, C-2, C-3, and SSC-RC zoning districts, with a size not to exceed ten percent of the principal building's street facing façade.
    - ii. Banners in the all other districts will be permitted as temporary signs only and shall be limited by the Temporary Sign standards identified below in Subsection 15.7.
  - c. Banners are to be well maintained, in good condition and not create a traffic hazard.
- (5) **Digital Display Signs (Electrical Variable Message Signs).** Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

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- a. Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with these regulations.
  - b. A digital display shall have the same height limits as for other permitted signs of the same type and location.
  - c. Digital Display signs are permitted in C1, C2, C3, and SSC-RC zoning districts.
  - d. When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
    - i. On-premise signs with a digital display component may be allowed an additional 20% in permitted sign area provided the following conditions are met:
      - 1) The applicant/owner of the site where the sign is to be located, shall provide 20% more landscaping, in excess of what is required by this Code.
      - 2) The additional landscaping will be in the form prescribed in Article 12.
      - 3) The additional landscaping shall be installed within the landscaped area immediately adjacent to the sign.
  - e. When used as an off-premises advertising sign, digital displays may only be used as a portion of the full permitted sign area.
  - f. Where permitted, one (1) digital display sign is permitted per property.
  - g. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
  - h. One message/display may be brighter than another, but each individual message/display must be static in intensity.
  - i. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
  - j. The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
  - k. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to these regulations.
  - l. The addition of any digital display to a nonconforming sign is prohibited.
  - m. Public Service Announcements:
    - i. The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public.

**C. Permanent Signage Standards in Residential Districts**

**(1) Non-Residential Use Sign Standards.**

- a. Signs in municipal parks are not subject to the restrictions contained in this subsection.
- b. Ground Signs. Within all residential districts for permitted non-residential uses and approved special exceptions, one sign of 32 square feet, not exceeding eight feet in height, non-animated, may be located on the premises. Said sign may be externally or internally lit and shall be constructed so as not to constitute a safety hazard and shall conform to the other requirements of these regulations pertaining to commercial signage.

- c. Wall sign. Within all residential districts for permitted non-residential uses and approved special exceptions, one sign shall be permitted, per occupancy, per street frontage. The sign shall be limited to a maximum area of 12 square feet, shall be non-animated, shall be externally lit only, shall be constructed so as not to constitute a safety hazard, and shall conform to any other requirements of these regulations pertaining to commercial signage.
  - i. Additional, one wall-mounted sign, not exceeding ten (10) square feet in area, is permitted at any side or rear entrance which is open to the public. Such wall signs may be externally lit only.
    - 1) Blade and hanging signs shall be, at minimum, eight (8) feet above grade.
    - 2) Signs that do not project from the surface, such as placard type signs, shall have a minimum distance above grade of four (4) feet.
- (2) *General Home Occupation Sign Standards.*
  - a. Pole signs are prohibited.
  - b. Digital display signs are prohibited.
  - c. A single ground sign shall be permitted per home occupation.
    - i. Sign area shall not exceed 6 square feet
    - ii. Shall not be located in any Right-of-way.
    - iii. Sign shall be non-illuminated.
    - iv. The sign shall be permanent in nature.
  - d. Additionally, a single wall sign shall be permitted per home occupation.
    - i. Sign shall not exceed 4 square feet.
    - ii. Sign shall be non-illuminated.

D. **Permanent Signage Standards in the D-CM and R-C1 Zoning Districts.** The following standards take precedence in the Downtown Core Mixed-Use (D-CM) and the Residential/Commercial Zoning Districts.

**Table 16.5.3. Mixed-Use and Non-Residential Sign Standards in the D-CM and R-C1 Zoning Districts**

| Sign Type     | Number Allowed |             | Maximum Area              |                           | Maximum Height                                                               |                                                                              | Illumination Permitted     |                      |
|---------------|----------------|-------------|---------------------------|---------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------|----------------------|
|               | D-CM           | R-C1        | D-CM                      | R-C1                      | D-CM                                                                         | R-C1                                                                         | D-CM                       | R-C1                 |
| Wall Signs    | 2* per unit    | 2* per unit | 40 sq. ft. total          | 40 sq. ft. total          | 20 feet maximum; Eave line; Below top of parapet; Below second story accent. | 20 feet maximum; Eave line; Below top of parapet; Below second story accent. | From above; Back-lit; Neon | Back-lit; From above |
| Canopy/Awning | 1* Per unit    | 1* Per unit | 75% of valance area or 20 | 75% of valance area or 20 | 20 feet maximum; To the top                                                  | 20 feet maximum; To the top                                                  | From above only            | Non-illuminated      |

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|                   |                   |                | sq. ft.<br>max. | sq. ft.<br>max.                                              | of<br>valance.                                                                                          | of<br>valance.                                                                                          |                                                                                                                         |                                              |
|-------------------|-------------------|----------------|-----------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Projecting        | 1* per<br>unit    | 1* per<br>unit | 12 sq. ft.      | 12 sq. ft.                                                   | 20 feet<br>maximum;<br>Eave line;<br>Below top<br>of<br>parapet;<br>Below<br>second<br>story<br>accent. | 20 feet<br>maximum;<br>Eave line;<br>Below top<br>of<br>parapet;<br>Below<br>second<br>story<br>accent. | From<br>above,<br>Back-lit,<br>Neon                                                                                     | From<br>above,<br>Back-lit,<br>Neon          |
| Window            | Multi.            | Multi.         | 25% Total       | 15% Total                                                    | Window<br>Height                                                                                        | Window<br>Height                                                                                        | Neon;<br>Interior<br>Digital<br>Display<br>(Exterior<br>Digital<br>Display<br>Prohibited);<br>From<br>below or<br>above | Non-<br>illuminated                          |
| Marquee           | 1 per<br>building | Prohibited     | 150 sq. ft.     | Prohibited                                                   | Below<br>Second<br>story<br>window<br>line;<br>Below<br>bottom of<br>parapet<br>wall                    | Prohibited                                                                                              | Digital<br>Display;<br>Internal;<br>From<br>below                                                                       | Prohibited                                   |
| Pole Signs        | Prohibited        | 1 per<br>bldg. | Prohibited      | 15 sq. ft. +<br>5 sq. ft.<br>per unit,<br>30 sq. ft.<br>max. | Prohibited                                                                                              | 10 feet                                                                                                 | Prohibited                                                                                                              | Digital<br>Display;<br>External;<br>Internal |
| Monument<br>Signs | Prohibited        | 1 per<br>bldg. | Prohibited      | 35 sq. ft. +<br>5 sq. ft.<br>per unit,<br>50 sq. ft.<br>max. | Prohibited                                                                                              | 10 feet                                                                                                 | Prohibited                                                                                                              | Digital<br>Display;<br>External;<br>Internal |

(1) Table 16.5.3 Notes.

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- a. One (1) wall sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, an additional sign is permitted to face the parking lot.
    - i. Where properties are permitted two (2) wall signs, the maximum allowable sign area may be combined into one sign or shared at any ratio between the signs, provided the total allowable wall signage area is not exceeded.
  - b. A logo shall be permitted on the shed of the canopy or awning not to exceed 30% of the shed area or a maximum of ten (10) square feet, whichever is less.
  - c. Canopy roof signs shall be considered a wall sign but shall be limited to 20 sq. ft.
  - d. One (1) projecting sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance is permitted.
  - e. Within the D-CM, a maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
  - f. Window signs with external illumination, shall be permitted, provided the presence of the illumination does not create any external glare or safety concerns.

**E. Signs at Entrances to Residential Developments.**

- (1) Permanent ground/monument sign(s) only, may be displayed at the entrance(s) to residential developments.
  - a. The Main entrance sign may have two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 32 square feet in size, and may be externally illuminated from below only.
    - i. The secondary or alternative entrance may have two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 18 square feet in size, and may be eternally illuminated from below only.
  - b. When considering the placement of such signs, the Development Approval Authority shall consider the location of public utilities, sidewalks and future street widening.
  - c. The Development Approval Authority shall ensure that such signs shall be maintained perpetually by the developer, sign owner, pertinent owners' association or some other person who is legally accountable under a maintenance arrangement approved by the City Manager. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the signs shall be removed by the developer or owner.
  - d. The Development Approval Authority shall have the ability to review each application for a subdivision sign on a case by case basis.
- (2) Location in the Public Right-of-way shall require City Council Approval.
- (3) Multi-family and Apartment Sign Standards.
  - a. Letter and logo height maximum is 24 inches.
  - b. Applied letters shall be constructed of painted cast metal, bronze, brass, or black anodized aluminum.
  - c. Applied plastic letters are not permitted.

F. Examples of Permanent On-Premises Signage:



G. Permanent Off-Premises Signage Standards.

(1) *Billboard Restrictions.*

- a. Billboards are permitted in the following locations:
  - i. The C-1, C-2, C-3, and SSC-RC Zoning Districts which abut Highways 87, 89, and 90 and along County Road 184 only.
- b. No billboard may exceed 300 square feet in size for a two-lane road and 378 square feet in size for a four-lane road, except for extensions (protrusions) of less than ten percent of the sign face.
- c. No billboard, or combination of signs, shall exceed 12 feet in sign face height. The maximum height to the top of the sign shall not exceed 50 feet, excluding protrusion, from the crown of the road on which the sign faces. For each added foot of height above 35 feet, up to the maximum height of 50 feet, the sign shall be setback from the right-of-way an additional foot. The setback shall be measured from the closet or leading edge of the sign to the right-of-way.
- d. No billboard, or combination of signs, may exceed 36 feet in width.
- e. No billboard may be closer than 15 feet from any right-of-way, and meet normal building setback line requirements, nor:
  - i. Closer than 1,000 feet from any other billboard on the same side of the thoroughfare to which the permanent advertising sign is directed along any state road or;

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- ii. Closer than 1,500 feet from any other billboard on the same side of the thoroughfare to which the permanent advertising sign is directed along any road way other than a state road; and
  - f. No portion of a billboard shall be located within 75 feet of an intersection right-of-way, nor within 100 feet of any residence, residential use, residential zone, church, or school property line. Spacing shall be determined based on signs that have received the necessary city permit pursuant to these regulations, and signs having received prior authorization shall have priority over a later applicant in determining compliance with the spacing restrictions. Where two applications from different persons conflict with each other, so that only one of the applications may be granted, the first application received by the department will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing of the first application and when the first application is acted upon. If the first application considered is granted, the second application shall be denied. If the first application is denied, the second application shall then be considered for approval.
  - g. There shall be no more than one billboard per lot. Vertically or horizontally stacked signs shall not be permitted.
  - h. Message sequencing is prohibited.
- (2) *Construction and Maintenance.*
- a. All plans for billboards shall be certified by a licensed engineer registered in Florida.
  - b. All billboards shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboards shall be structurally sound and maintained in good condition and in compliance with the Florida Building Code.
  - c. The rear face of a single-face, billboard shall be painted and maintained with a single neutral color as approved by [municipality].
  - d. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Florida and shall provide to the [municipality] a certificate certifying that the billboard is structurally sound.
  - e. All billboards shall be identified on the structure with the name, address, and phone number of the owner of such sign.
  - f. Landscaping shall be provided at the base of all billboards.
    - i. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
    - ii. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.
  - g. All billboards shall comply with any and all applicable zoning regulations and any and all other local, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.
- (3) *Other Permanent Off-Premises Signs.*
- a. Off-Premises signs which do not meet the definition of billboard are subject to the following regulations:



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- i. Off-Premises advertising signs are prohibited.
  - ii. A maximum number of two (2) off-premise directional signs shall be permitted with approval from the department.
  - iii. All off-premises directional signs shall require written approval from the property owners where the signs are to be placed.
  - iv. Off-Premises directional signs are limited to 6 square feet in area. Churches, shelters and other institutions may have off-premises directional signs that are up to 10 square feet in area. These signs must be static in nature, but may be lit internally if desired.
  - v. Off-Premises directional signs shall not be placed in any Public Right-of-way.

( Ord. No. 1486-19 , § 1, 4-9-2019; Ord. No. 1944-20 , § 1, 10-13-2020)

## 16.7 TEMPORARY SIGN STANDARDS

### A. Generally.

- (1) All temporary signs shall require a Temporary Sign permit.
- (2) Temporary sign permits shall be active for 30 consecutive days and may be renewed 4 times in any 365 day period once the initial 30 day time period has lapsed, unless otherwise provided for in this article.
- (3) Temporary signs that comply with the requirements in this subsection shall not be included in the determination of the type, number, or area of permanent signs allowed on a property.
- (4) All temporary signs must comply with the following design, construction and location standards.
- (5) Information about the size, location and design shall be presented to the zoning coordinator on forms acceptable to the Planning and Development Department.
- (6) No temporary sign shall be located within any Public Right-of-way.
- (7) Off-premises temporary signs are prohibited.
- (8) Temporary Sign Content.
  - a. Temporary sign may display any message so long as it is not:
  - b. Harmful to minors as defined by these regulations; and
  - c. Advertising, as defined by these regulations, except that advertising for the following purposes may be displayed:
    - i. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located;
    - ii. To indicate the grand opening of a business or other activity.
    - iii. To identify construction in progress. Such message shall not be displayed more than 60 days prior to the beginning of actual construction of the project, and shall be removed within 30 days of construction completion. If construction is discontinued for a period of more than 60 days, the message shall be removed, pending initiation or continuation of construction activities;
    - iv. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of no more than 30 days or until installation of permanent signage, whichever shall occur first;

- v. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, special events, or any public, charitable, educational or religious event or function. Such sign shall be removed within 48 hours after the special event; and
- vi. When governmental action impedes or denies access to commercial premises, temporary signage, not to exceed 20 square feet for each road frontage shall be allowed during the term of the governmental action that generated the impediment.

(9) *Temporary Sign Types.*

- a. Temporary signs may be ground or building signs.
- b. Temporary signs shall not be an electric or digital display sign.
- c. Temporary signs shall not be illuminated.

(10) Any temporary sign not complying with the requirements of these regulations is illegal and subject to immediate removal.

**B. Non-Residential Zoning Districts.**

- (1) Non-Residential parcels or units within multi-tenant complexes, in the C-1, C-2, C-3, and the SSC-RC zoning districts may display one square foot of temporary signage per ten feet of street frontage up to a maximum of 100 square feet.
  - a. Free Standing Yard Signs.
    - i. No individual sign shall exceed 60 square feet,
    - ii. No individual sign shall exceed ten feet in height.
    - iii. Signs must be spaced at least 100 feet apart.
    - iv. Number per lot shall not exceed two (2) signs.
    - v. Banners may not exceed 32 square feet in area.
    - vi. Shall be maintained in a good condition.
    - vii. Shall not pose any safety concerns nor impede the flow of traffic.

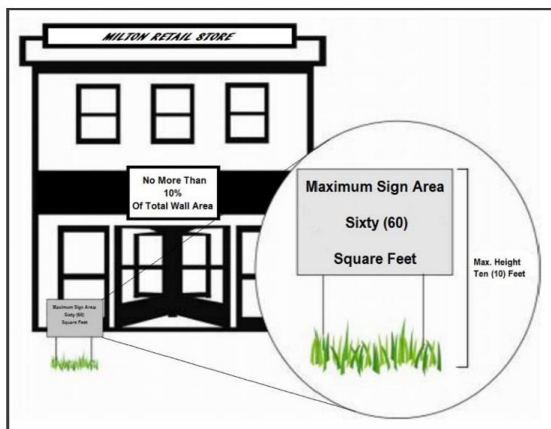


Figure 16.6.1. Front Yard Signage

b. Walls Signs.

- i. Total square footage shall not exceed 10% of the wall(s) on which they are located or a maximum of 60 square feet, whichever is less.
- ii. Shall not pose any safety concerns nor impede pedestrian traffic.
- iii. Banners may not exceed 32 square feet in area and shall not cover greater than 10% of window area per wall.

(2) Wind Signs.

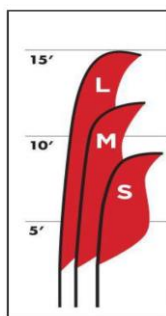


Figure 16.6.2. Wind Sign Diagram

- a. In addition to the above allowed temporary signage, signs, commonly referred to as wind signs, also known as feather, tear drop, and blade flags, commonly consisting of a pole and a suspended sign made of a flexible material such as canvas, sail cloth, or plastic and fastened in such a manner as to move upon being subjected to pressure by wind, shall be, from the date of Business License issuance, temporarily permitted for a period of time not to exceed 30 consecutive days during four differing periods each calendar year.
  - i. The permit for the wind sign shall be renewable after the initial 30 day period has lapsed on no more than three additional 30 day periods each during the first year and four periods each subsequent calendar year.
- b. A sign permit for the placement of a wind sign must be obtained prior to the placement of any wind signs each time said signs are displayed in compliance with section a. above.
- c. Wind sign placement shall be limited by the following:
  - i. Wind signs are prohibited outside of the C1, C2, C3, and SSC-RC zoning districts.
  - ii. Wind signs shall be limited to one sign per pole.
  - iii. The number of wind signs shall be limited to two per street frontage or parcel.
    - 1) Businesses on lots of 500 feet of street frontage or more, shall be permitted one additional wind sign.
    - 2) Businesses in multi-tenant complexes shall be limited to one wind sign. In no case shall the total number of wind signs exceed four (4).

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- iv. Wind signs shall be constructed of nylon, canvas, or plastic materials only.
  - v. Wind signs shall be maintained in a good condition without fraying and tearing for the life of the permit.
  - vi. Each wind sign shall be limited to 24 square feet in area.
  - vii. Wind sign height shall not exceed 15 feet.
  - viii. Wind signs shall not be permitted in any public or private right-of-way.
  - ix. Permitting fees shall be as established in the City of Milton's annual fee resolution.

(3) Non-Residential parcels or units within multi-tenant complexes, in the D-CM and R-C1 zoning districts may display temporary signage as follows.

a. Walls Signs.

- i. Total square footage shall not exceed ten (10) percent of the wall(s) on which they are located or a maximum of 60 square feet, whichever is less.
- ii. Shall not pose any safety concerns nor impede pedestrian traffic.
- iii. Banners may not exceed ten (10) percent of the square footage of the street (front) face of the unit or store front or 32 square feet in area, whichever is less and shall not cover greater than 25 percent of window area per wall.

C. **Residential Zoning Districts.** Parcels within the R-1AA, R-1A, R-1, R-2, and R-3 zoning districts may display temporary signage as follows:

a. Free Standing Yard Signs.

- i. A parcel located in any residential zone may display no more than four temporary signs per lot with an aggregate sign area of no more than twelve (12) square feet.
- ii. No individual sign shall exceed six square feet, nor exceed five feet in height.

b. Wall Signs and Banners.

- i. In lieu of free standing yard signs, one banner or wall sign may be attached to the primary structure.
- ii. Wall signs and banners may not exceed eighteen (18) square feet in area.



Figure 16.6.3. Residential District Temporary Signage

- D. **Sign Standards in the Historic District.** Signs in the historic district shall be regulated in accordance with the requirements for the land use district in which the proposed development activity is located. In addition, the provisions contained in the supplementary design review regulations within the Historic District, regarding sign patterns and colors, etc., shall apply.
- E. **Sign Standards in Community Redevelopment Areas.** Signs in the designated Community Redevelopment Areas shall be regulated in accordance with the requirements for the land use district in which the proposed development activity is located. In addition, the provisions contained the supplementary design review regulations within the Community Redevelopment Areas, regarding sign patterns and color, etc., shall apply.

( Ord. No. 1470-18 , § 1, 4-10-2018)

## 16.8 PORTABLE SIGN STANDARDS

### A. Generally.

- (1) Portable Signs shall be permitted as Permanent Signs in the D-CM, R-C1, and SSC-RC zoning districts only.
- (2) Permitted portable signage include A-Frame and Poster Frame type signs only.
- (3) Businesses shall be permitted one Portable Sign per public entrance in addition to all other permanent and temporary signage permitted by this Article.
- (4) Portable Signs shall comply with the following standards:
  - a. Required Dimensions: Portable signs shall be a minimum of 28 inches tall and shall not exceed 48 inches in height. Portable signs shall not exceed 24 inches in width. The portable structure shall be a minimum of 18 inches in width.

- b. Portable signs shall contain information and advertising for the business placing the sign only and shall not contain any endorsement or logos for any other business off-premises.
- c. Portable signs shall not block building entrances or exits.
- d. Portable signs shall have a locking arm or other device to stabilize the structure.
- e. Portable signs shall comply with the accessibility requirements of Florida Statutes.
- f. Portable signs shall be displayed only during the hours of operation of the business being advertised.
- g. Portable A-frame signs shall be located abutting the building or the curb of the street.
- h. Portable signs shall not block access to parking spaces or block traffic lanes.
- i. A minimum sidewalk clearance or pathway of five (5) feet (60 inches) in width shall be maintained.
- j. Portable signs shall comply with the sight visibility triangle requirements set forth in this Code.
- k. Businesses with street level public access shall place their portable sign(s) within the tenant frontage of the business only.
- l. Multi-tenant developments shall be permitted one Portable sign per each common exterior public business entrance.
- m. Portable signs shall not be illuminated.
- n. Portable signs shall be spaced a minimum of 15 linear feet from all other Portable signs.
- o. The City of Milton may require the temporary removal of Portable signs during special events.



Figure 16.7.1. Portable Sign Diagram and Examples

## 16.9 OTHER ADVERTISING AND SIGNAGE STANDARDS

### A. Usage and Removal of Political Campaign Advertisement.

- (1) *Candidate Responsibility.* Each candidate, whether federal, state, county or city, displaying or causing to be displayed any political campaign advertisement within the city shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:
  - a. Withdrawal of his or her candidacy;

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- b. Having been eliminated as a candidate; and
  - c. Being elected to office. However, the candidate shall not be required to remove those political campaign advertisements which are in the form of approved general advertising signs used by an outdoor advertising business as provided in F.S. Ch. 479. The provisions herein shall not apply to political campaign advertisements placed on motor vehicles, or campaign messages designated to be worn by a person.
  - d. The city clerk shall notify all candidates whose political campaign advertisements might be displayed in the city in writing of the provisions of this section by U.S. mail or by hand delivery.
- (2) *Placement.* No political campaign advertisement shall be erected, posted, painted, tacked, nailed or otherwise displayed, placed or located on or above the right-of-way of any street or highway located within the city, or affixed to any tree located within the city.
- (3) *Enforcement.* If political campaign advertisements are not removed within the specified period, the city shall have the authority, through the code enforcement officer, to remove such advertisements and to charge the candidate the actual cost of removal, or the sum as currently established or as hereafter adopted by resolution of the city council from time to time, whichever is greater. Funds collected for removing such advertisements shall be deposited to the city's general revenue.
- B. Utility Signage.**
- A. Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three feet in height, and so long as the sign face does not exceed one-half square foot.
- C. Wall Graphics.**
- (1) *Within the historic district.*
- a. No new additional wall graphics will be allowed on a regulated historic structure or a contributing historic structure unless approved by the historic preservation board. New wall graphics on regulated historic structures shall be historically correct for the period and shall be based on the best historical information available and the guidelines established in this section. The city Planning and Development Department shall be allowed to approve the replacement in kind of an existing wall graphic provided there are no changes to the wall graphic.
  - b. Wall graphics will be allowed on structures within the historic district, only if meeting the following regulations:
    - i. Depict events within the 1820 to 1939 era;
    - ii. No living person shall be depicted; and
    - iii. The wall graphic shall be reviewed and approved by the city historic preservation board.
- (2) *Application process and requirements.*
- a. Pre-board meeting/application.
    - i. The applicant shall prepare a sign application.
    - ii. The location of the wall graphic shall be specific as to the exact location of the graphic on the structure.
    - iii. A written concept and rationale for the wall graphic shall be submitted with the sign application.
    - iv. A concept sketch shall accompany the sign application.

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- v. The application and supporting data shall be provided to the Planning and Development Department no later than ten days prior to any required board meeting.
  - b. Wall graphic permits shall be valid for a period of six months. Upon application a one-time extension may be granted, not to exceed three months.
  - c. Second meeting.
    - i. The final location of the wall graphic.
    - ii. The final size (length and width) of the graphic.
    - iii. An artist sketch or rendition of the wall graphic. This can be a black and white rendition.
    - iv. A copy of the artist contract.
    - v. A copy of the building or building owner contract, which includes maintenance of the wall graphic.
    - vi. A description of the wall preparation, specifications on the paint to be used for the wall graphic, specifications on the overcoat and/or protective coat to be used and a description of the colors to be used in the graphic.
  - d. Third meeting.
    - i. Prior to placing the wall graphic on the approved site, the sponsor shall provide the Planning and Development Department a full color rendition of the wall graphic. If the presented rendition is substantially in accordance with the previously approved application, the Planning and Development Department shall issue the:
      - 1) Development order;
      - 2) Certificate of appropriateness; and
      - 3) Permit.
    - ii. Should the rendition deviate from the submitted application the Planning and Development Department shall present the color rendition, the original application and comments for consideration at a meeting under subsection (2)(b) of this section.
  - (3) *Within the city, excluding the historic district.*
    - a. Wall graphics will be allowed only in commercial districts.
    - b. Wall graphics will be allowed only on commercial buildings.
    - c. Allowable wall graphics shall include:
      - i. Depictions that pertain to the building or structure,
      - ii. The city's history or heritage; or
      - iii. The history or heritage of the greater Milton area. Such area may include an area of ten miles from the intersection of the Blackwater River and Highway 90.
    - d. Submittal to and approval shall be obtained from the city Planning and Development Department prior to any work being performed.

## **16.10 UNSAFE, UNLAWFUL, AND ABANDONED SIGNS**

### **A. Removal of Unsafe, Unlawful, or Abandoned Signs.**

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- (1) The owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the Department to be a nuisance, unsafe, or it is unlawfully erected in violation of any of the provisions of this Article.
    - a. The Department may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event of the owner or the person or firm maintaining the sign has not complied with the terms of a Notice of Noncompliance within thirty (30) days of the date of receipt of the notice. In the event of immediate danger, the Department may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

**B. Abandoned Signs.**

- (1) It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 365 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
- (2) Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 365 days the Department may remove or have such sign removed.
  - a. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.
- (3) Any Temporary sign not complying with the requirements of this Article is illegal and subject to immediate removal without notice.

**C. Nonconforming Signs.**

- (1) Nonconforming signs are subject to Article 10, Nonconforming Structures Uses of Land: land with Minor Structures Only. Should an existing nonconforming sign be damaged and/or destroyed, the sign location shall be preserved for a period of up to six months; provided the following conditions are met or exceeded:
  - a. The sign shall be reconstructed within a six-month period from the date of the incident which damaged the original sign; and
  - b. The reconstructed sign shall meet all other size, setback and height requirements of these regulations.
- (2) Consistent with F.S. § 479.15, harmony of regulations, nonconforming outdoor signs may be relocated or reconstructed in accordance with that statute, as amended, such that the city will not be responsible for just compensation for removal.
- (3) Signs on the Premises of Legally Non-Conforming Uses.
  - a. Signs on the premises of legally nonconforming uses may remain until the existing use of the premises is discontinued.
  - b. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall conform to these regulations.

**D. Enforcement and Penalty.**

- (1) A Code Enforcement Officer and/or the City Police Department shall enforce these regulations.

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- (2) A Code Enforcement Officer or a Police Officer may, in his or her own discretion, remove a sign, which is in violation of these regulations.
  - (3) Snipe signs and temporary signs found out of compliance with this code may be removed by a code enforcement officer at the owner's expense.
    - a. The owner of the sign, as determined by the Code Enforcement Officer, shall be charged the actual cost of removal, or the sum as currently established or as hereafter adopted by resolution of the city council from time to time, whichever is greater.

## **ARTICLE 17. SUBDIVISION STANDARDS**

### **17.1 PURPOSE**

The purpose of these subdivision requirements is:

- A. To establish reasonable design and layout standards for subdivision of land.
- B. To establish requirements for preliminary plats and final plats of land subdivision.
- C. To establish an adequate street system, a means of water supply, sewage disposal and other utilities, surface drainage and stormwater control, and other services related to the use of subdivided land.
- D. To protect and provide for the public health, safety, and welfare of the citizens of the City of Milton.
- E. To provide for the "conservation design" of subdivisions to promote the following purposes:
  - (1) To conserve open space and to protect sensitive natural features like the floodplain.
  - (2) To preserve and restore natural areas and provide for their long-term ecologic management.
  - (3) To preserve the hydrologic condition and infiltrative capability of the soil by minimizing mass grading and impervious surfaces.
  - (4) To protect the quality of surface water and groundwater.

### **17.2 PLAT APPROVAL AND RECORDING**

- A. No person shall subdivide land within the city, nor commence the construction of any public improvements on such land prior to the approval of a preliminary plat and construction plans in accordance with the provisions hereof. No person shall construct or build any buildings on any land not platted and set aside by such plat as a building site. Furthermore, no building may commence until any and all sureties (letters of credit, performance bonds, etc.) required by a development order have been received by the City Manager's office.
- B. Nothing in these regulations shall be deemed to require the approval and recording of the public acquisition of strips of land for the widening of existing streets or the combination or recombination or portions of previously platted and recorded lots where no new parcels or residual parcels are created which are smaller than the minimum lot requirements contained in the Zoning District Regulations.

### **17.3 REQUIRED INFORMATION TO BE SHOWN ON PRELIMINARY PLAT**

The preliminary plat shall be drawn to a scale of one inch equals 100 feet or larger on 24 inches by 36 inches sheet size and shall, at a minimum include the following information:

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- A. Subdivision or development name, name of the owner or developer; name of surveyor and designer, north arrow, date and scale;
  - B. The boundary line of the tract to be subdivided, drawn accurately and to scale;
  - C. Existing and proposed streets, including street names, rights-of-way and roadway widths, and typical sections (every 100 feet). Similar data shall be provided for any existing or proposed alleys;
  - D. All parcels of land intended to be dedicated for public use; or to be reserved in deeds for common use of property owners;
  - E. The location and size of existing water, gas and sewer mains, drain pipes, and all underground structures on the land to be subdivided and on the land to be subdivided and on any land area within ten feet of it;
  - F. Other existing rights-of-way or easements, their location, width and purpose;
  - G. Proposed lot lines, lot numbers and block numbers, lot area and minimum lot dimensions;
  - H. Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;
  - I. Minimum building setback lines;
  - J. Gross area of subdivision by specific use (e.g., single-family, multifamily, commercial) and zoning districts;
  - K. Ground contours at intervals no greater than two feet based on the North American Vertical Datum (NAVD). Contours to extend 50 feet past the site property line;
  - L. Any area of the subdivision as platted, that is located in an area identified by the Federal Insurance Administration (Federal Emergency Management Agency, flood insurance rate maps) as being in a FEMA A or V zone, the floodplain, and in any area having special flood hazards, shall be so indicated on the preliminary plat. The intended use of these areas shall be indicated;
  - M. Location of any protected and heritage trees on site;
  - N. Potable water wellheads within 500 feet of any lot line of the proposed development;
  - O. The above information may be depicted graphically, except where detailed computations are required.

#### 17.4 REVIEW AND APPROVAL PROCEDURES FOR MAJOR SUBDIVISIONS

##### A. Preliminary plat review.

- (1) Any person desiring to subdivide land shall first file with the Planning and Development Department two copies of a preliminary plat of the subdivision prepared in accordance with the specifications and requirements of Subsection 17.3 entitled "Required Information to be Shown on Preliminary Plat" in addition to any applicable requirements contained in the public works manual.
- (2) Accompanying the preliminary plat shall be a general location map showing the relationship of the proposed subdivision to existing community features and facilities. This map shall include main traffic arteries, shopping centers, schools, parks and playgrounds, and other relevant features.
- (3) Six paper copies and one electronic copy of the preliminary plat shall be submitted to the Planning and Development Department at least ten working days prior to the planning board meeting at which it is to be considered. Prior to planning board review, the TRC shall review the preliminary plat for conformance with this Unified Development Code, particularly Subsection 17.6, general subdivision layout standards, and general design requirements of the public works manual. Their findings shall be

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forwarded to the planning board. The planning board shall review the preliminary plat and the findings of the TRC and issue a recommendation to city council. The city council's failure to approve or disapprove the preliminary plat within 42 working days after submission to the Planning and Development Department shall be deemed approval of the preliminary plat.

- (4) Prior to approval of the preliminary plat, a determination of concurrency shall be made as set forth in section Article 3.
- (5) When, after examination, the city council finds that such preliminary plat does or does not conform to the provisions contained in these regulations, the public works manual, the comprehensive plan, to sound principles and practices of planning and engineering, and to such other items that may affect the public health, safety and welfare, the preliminary plat may be approved or rejected. Approval of a preliminary plat shall not constitute an approval of the final plat. If the preliminary plat is rejected, city council shall provide the sub-divider a detailed list, in writing, of the reasons for its rejection.

B. **Following Approval of the Preliminary Plat.** The developer shall submit to the Planning and Development Department six sets of detailed construction plans and two sets of specifications prepared in conformance to this Unified Development Code and public works manual. All required technical submittals such as drainage plans and calculations, etc. shall be included. A letter requesting approval of the construction plans and authorization to commence construction shall accompany the plans.

- (1) The technical review committee (TRC) shall conduct a detailed conformance review and may retain the services of a professional engineer to conduct a detailed engineering review of the construction plans. The TRC shall provide written review comments to the developer within 30 days after receipt of the construction plans. Such plans shall be revised as necessary and resubmitted for approval by the TRC.
- (2) Prior to approval of the construction plans by the TRC, all required federal and state permit applications shall be submitted. Upon approval by the TRC, and following any council decisions on variance requests, such approval shall be entered into the minutes of the following city council meeting. Such approval shall constitute preliminary development order approval and authorization to proceed with construction.

C. **After Preliminary Plat.** After preliminary plat and construction plan approval, the developer may commence construction of the required subdivision improvements.

D. **Final Plat Approval.**

- (1) The final plat shall conform substantially to the approved preliminary plat. The sub-divider shall submit only that portion of the approved preliminary plat which he proposes to record and develop. Such portion shall conform to all requirements of these regulations, specifically to F.S. Ch. 177. In addition, it shall show the orientation of the subdivision or development in relation to surveyor's bench marks and monuments, including accurate linear and angular dimensions.
- (2) Land use and control measures for flood-prone areas as identified by the Federal Emergency Management Agency will conform to the Federal Emergency Management Agency, and the Department of Housing and Urban Development regulations under the National Insurance Program.
- (3) Five copies of the final plat shall be submitted to the Planning and Development Department at least ten working days prior to the planning board meeting at which it is to be considered. Prior to the planning board review, the TRC shall review the final plat and present their recommendation to the planning board. Upon determination by the planning board that revisions required by the preliminary plat have been made, the plat shall be transmitted with planning board recommendation to the city council for approval. Failure of the city council to approve or disapprove the final plat within 62 days after that meeting shall be deemed approval of the final plat by the city council.

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- (4) Final subdivision plat approval by city council: Approval of a final subdivision plat by the city council shall be granted:
- a. Upon the finding that the developer has complied with the requirements of these regulations and applicable state and city laws;
  - b. Upon a finding that the final plat substantially conforms to the approved preliminary plat;
  - c. Upon submittal of two sets of paper as-built construction plans, which are signed and sealed by a state registered professional engineer, and which contains certification that such as-built plans substantially conform to approved construction plans. An additional electronic copy shall be provided to the Planning and Development Department;
  - d. Upon the condition that a true copy of the plat, as approved, shall be registered and filed by the developer within 60 days from the date of such approval with the county circuit court clerk;
  - e. Upon the condition that when the plat has been recorded in the county records, five copies thereof shall be filed with the Planning and Development Department within 15 days after the date of record. One of the aforesaid copies shall be on reproducible "age proof paper," such as mylar. An additional electronic copy shall be provided to the Planning and Development Department;
  - f. Upon the condition that no building permit shall be issued for that property, which has been identified as being in a floodplain area having special flood hazards, unless the construction design meets Federal Insurance Administration criteria to minimize flood damage, as specified in section IV-2;
  - g. Upon the condition that all public utilities, such as sewer, gas, electric and water systems are located, elevated and constructed to minimize or eliminate flood damage in those areas identified by the Federal Insurance Administration as being in a floodplain area having special flood hazards;
  - h. Upon the condition that final plat approval shall not occur until all the required improvements are installed, except as provided in the remainder of this subsection (d)(4)h; If final plat approval is to occur prior to the final installation of all improvements on any street in the subdivision, in lieu of the immediate installation of the required improvements, the owner or sub-divider shall either:
    - i. File with the City Manager's office a performance or surety bond in an amount to be determined by the city council with sureties satisfactory to the city, guaranteeing the installation of the required improvements where agreed upon within a specified period of time, or
    - ii. Deposit with the city, or place in escrow, cash or a certified check in an amount to be determined by the city council to cover the cost of the improvements. The city council may release portions of this security deposit as work progresses. In any case, the streets shall be continuous and not disjointed by unpaved portion; all streets must lead or enter onto a paved arterial or collector roadway to the satisfaction of the city council.
  - 1) Upon the condition that no lot may be sold and no building permit issued until the final plat is approved and recorded.
- (5) Final plat approval shall constitute final development order approval.

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## 17.5 ABBREVIATED REVIEW AND APPROVAL PROCEDURES FOR MINOR REPLAT AND MINOR SUBDIVISION

- A. **Minor Re-plat.** A minor re-plat may be reviewed and approved by the Planning and Development Department consistent with the development review procedures for minor development activity. An abbreviated review procedure is permitted which allows for the preliminary and final plat to be submitted concurrently. All design standards, plat information and recording requirements contained in this section must be complied with.
- B. **Minor subdivision.** A minor subdivision may be reviewed and approved by the technical review committee consistent with the development review procedures for major development activity. Such subdivision may be reviewed and approved through an abbreviated procedure, which provides for the submittal of both the preliminary and final plat concurrently. All design standards, plat information and recording requirements contained in these regulations must be complied with.

## 17.6 GENERAL SUBDIVISION STANDARDS

- A. **Plan Submission.** The owner or developer shall submit, to the Planning and Development Department for approval, plans for adequate storm drainage, street grading and street improvements, sewer and water systems, which shall be installed by the owner or developer. These improvements shall be installed in accordance with the provisions contained in these regulations and those included in the public works manual. Entrance signs to subdivisions shall be permitted; refer to Subsection 17.7 of these regulations. All such plans shall be prepared and sealed by a state-licensed civil engineer.
- B. **Conformance to Plans.** Proposed land division and public improvements must be consistent with the Comprehensive Plan, these regulations, and any applicable public facilities and capital improvements plans.
- C. **Unsuitable land.**
- (1) Land which the city council has found to be unsuitable for subdivision due to flooding, poor drainage, or other features likely to be harmful to the health, safety and general welfare of future residents, shall not be subdivided unless adequate methods of correction permitted by applicable state and federal regulatory agencies, are formulated by the developer and approved by the city council.
  - (2) Floodplain areas within a subdivision shall be utilized to satisfy required open space.
  - (3) To the extent possible buildings within a subdivision shall not be located within a regulated floodplain.
  - (4) To the extent possible, buildings within a subdivision shall be constructed on the highest naturally occurring portion of land within each parcel. If hardship can be shown, the following may apply:
    - a. Setbacks and yard requirements may be adjusted to accommodate the placement of buildings to provide the necessary area for the construction of the building.
    - b. The adjustment of setbacks and other yard regulations shall not be a common occurrence and will not be permitted on greater than 10 percent of the parcels within a proposed subdivision.
    - c. Fire and Life Safety approval shall be required prior to approval of yard adjustments.
- D. **Blocks.**
- (1) Blocks design and layout shall meet the standards of Article 15.
- E. **Lot Configuration.**
- (1) Minimum building site area and yard restrictions shall be governed by the requirements contained in Article 4 of these regulations and any amendments thereto.

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- (2) Every lot or parcel of land shall front directly upon and take access from a public or private road for a minimum distance of 15 feet.
  - (3) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
  - (4) Double frontage and reverse frontage lots shall be avoided, except where desirable to provide separation of residential developments from traffic arteries, or to overcome specific disadvantages of topography and orientation.
  - (5) Every lot created by subdivision must be substantially similar in shape to those lots on the same block, unless the contours of an adjacent street or previously established lot render such shape impractical.
  - (6) Every lot or parcel of land that is subdivided must contain a relatively straight boundary line between each lot. Side lot lines must be approximately at right angles or radial to the street line.
  - (7) Through lots must be avoided, except where essential to provide separation of residential development from major thoroughfares or to overcome specific disadvantages of topography and orientation.

**F. Streets.**

- (1) All streets must provide a safe, convenient and functional system for vehicular and pedestrian circulation. All streets must be appropriate for the traffic characteristics and impacts of the proposed development. All rights-of-way must meet the right-of-way standards of Article 15.
- (2) In the case of public roads, the plat must indicate that the City of Milton Public Works, as applicable, will take responsibility for maintaining the rights-of-way after final acceptance. In the case of a private road, the plat must state that the City will not accept any private road in the future.
- (3) The sub-divider must furnish and erect all necessary traffic control and directional signs, including street signs, as designated by the City Engineer and/or City Public Works. All signs must be of a type approved by the City Engineer and/or City Public Works.
- (4) Shoulders are required along all streets not provided with curbs and gutters. Green infrastructure design is encouraged for shoulders. Curbs and shoulders must be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) standards.
- (5) All street construction within the City of Milton must meet the standards of set forth in this code. All street construction within the City of Milton must meet the standards set forth by the City of Milton Public Works and/or City Engineer when deviating from what is found here. The following must be complied with during construction:
  - a. During construction of streets with curb and gutter, the sub-divider is prohibited from partially installing pavement below the gutter elevation during construction operations. The sub-divider is required to maintain positive drainage throughout construction and install pavement up to the finished gutter elevation on a temporary basis. A temporary cross slope of less than 2% is allowed during construction operations to match the gutter elevation. At the conclusion of construction, the sub-divider must remove the appropriate thickness of the pavement surface in order to establish the final approved cross section of the roadway.
  - b. The sub-divider is responsible for maintaining and repairing all roads in the subdivision until the roads are accepted by the City of Milton Public Works.
  - c. Subdivision roads will not be accepted by the City Engineer or City Public Works until all construction detailed in the plans is completed. It is the responsibility of the sub-divider to consult with the City Engineer and/or City Public Works before the work has begun to afford the

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City Engineer and/or City Public Works an opportunity to inspect the work as construction progresses.

- d. The asphalt surface course may only be applied after the sub-divider has received written approval from the City Engineer or City Public Works.
- (6) The arrangement, character, extent, width, and location of all streets shall conform to the comprehensive plan and these regulations and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety in their appropriate relation to the proposed land uses to be served by such streets and to the most advantageous development of the surrounding neighborhood. In addition to the following provisions, the owner must comply with design standards contained in the public works manual.
- (7) Arrangement. The arrangement of streets in a subdivision shall either:
  - a. Provide the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - b. Conform to a plan for the neighborhood approved or adopted by the city.
- (8) Local. Local streets shall be laid out so that their use by through traffic will be discouraged. Any street located within a subdivision that abuts another subdivision street cannot tie into one another without a public hearing held and city council approval.
- (9) Arterial. Where a subdivision abuts or contains an existing or proposed arterial street, the technical review committee may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for the adequate protection of residential properties and to afford the separation of through and local traffic.
- (10) Landscaped buffers. A landscaped buffer of at least ten feet in width, across which there shall be no vehicular right-of-access, shall be provided by the sub-divider along the line of lots abutting arterial or collector roadways.
- (11) Half streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of the regulations, and where the development approval authority finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (12) Dead-end streets.
  - a. Temporary dead-end streets. Dead-end streets which are to dead-end at the outside property line limits of the overall subdivision are prohibited, unless the sub-divider furnishes a copy of a written agreement with the adjoining property owner that the adjoining property owner will continue and extend the streets at a later date in the development and platting of his property; provided, however, that dead-end streets of this type which dead end at the property line limits of the overall subdivision shall not be longer in distance from the closest platted intersection than the depth of the adjoining corner lots.
  - b. Permanent dead-end streets. Permanent dead-end streets which are not to be extended by either the sub-divider or the adjoining property owner shall not be longer than 1,000 feet and shall be provided at the closed end with a turnaround having an outside roadway (paved) diameter of at least 100 feet and a street property line diameter of at least 120 feet.
- (13) Street names and street markers.

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- a. A proposed new street, which is in alignment with or a continuation of an existing street, shall have the same name as the existing street. In no case (including numbered or lettered streets) shall new streets have names or numbers which duplicate or which are phonetically similar to existing street names, regardless of the prefix or suffix used as avenue, boulevard, court, crescent, drive, place, street and terrace. All street names shall be subject to city council approval and coordinated with the United States Postal Service and Civil Defense (911).
  - b. Street markers shall be installed by the developer at street intersections, designating the names of the intersecting streets. The installation shall be in compliance with the technical requirements contained in the public works manual and The Manual of Uniform Traffic Control Devices and FDOT.

G. **Streetlights.** The following streetlight requirements apply when laying out subdivisions:

- (1) The owner or developer shall install approved streetlights in all residential districts;
- (2) Pedestrian scale lighting meeting the standards as set forth in Article 14 shall be required.
- (3) All streetlights in residential districts shall be LED, high-pressure sodium vapor type, or equivalent in output as measured in foot-candles and lumens. Alternative lighting shall be proven to be equivalent and city council approved;
- (4) Fixture types shall be rated 100 watts or 250 watts and be of the Cobra head type;
- (5) Alternative decorative lighting fixtures and poles may be approved by the city and local electrical utility company; and
- (6) Maximum distances between fixtures shall be 125 feet for 100-watt fixtures and 250 feet for 250-watt fixtures. Adjustments may be approved by the city when it is determined that the local electrical utility company transformers or wiring require minimal adjustments. Lighting as a general rule will be located on transformer poles or on the nearest pole-to-pad-mounted transformer.

H. **Sidewalks.**

- (1) The owner or developer shall install sidewalks on at least one side of all streets in any subdivision, and sidewalks must connect to the entrance way(s).
- (2) All sidewalks shall be constructed in accordance with this code and the public works manual.

I. **Easements for drainage and stormwater.**

- (1) Drainage improvements must accommodate potential runoff from upstream drainage areas and be designed to prevent overloading the capacity of the downstream drainage system. This may require the phasing of development, the use of control methods such as retention, detention, or pumping systems, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development. All developments must meet the stormwater management requirements of Article 9 and innovative stormwater management methods are encouraged.
- (2) In addition to the following, easement requirements for drainage and stormwater shall comply with the requirements contained in Article 13.
- (3) Drainage easements along lot lines shall be provided for drainage where necessary and shall be at least 20 feet wide; and
- (4) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width, as will be adequate for the purpose. Parallel streets or parkways may be required in connection herewith.

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- a. A drainage study is required and must be approved by the City Engineer and/or City Public Works identifying the lot number and drainage pipe size.
  - b. Stormwater drainage improvements consisting of storm sewers and/or open channels, swales, and drainage easements, must adequately drain the area being developed and also all of that area which naturally drains through the area being developed. The design of drainage improvements must be coordinated with present and probable future improvements so as to form part of an integrated system.
  - c. Where the character or topography of the land in a subdivision is such that it is impossible or impractical to place streets so that they carry off the surface water, the appropriate easements along lot lines shall be provided and improved, where necessary, to carry off surface water in open channels or storm sewers.
  - d. All publicly dedicated drainage servitudes must be approved by the City Engineer and/or City Public Works.

**J. Utilities.**

- (1) Easements must be provided for utility services including, but not limited to, sanitary sewer, storm water, sewer, water, gas, telecommunication, cable television, and electric. The location of a utility easement is determined by the City Engineer or City Public Works. Utility services should be clustered within a single easement when practical.
- (2) The developer should provide underground utilities unless specific site conditions make the installation of underground utilities impractical.
- (3) *Sanitary Sewers.* All platted lots must be served by public sewer system or an approved alternate means of wastewater collection and treatment.
  - a. Public sanitary sewer is required for all subdivisions within the City of Milton.
  - b. The location of sanitary sewers must be approved by the City Engineer and/or City Public Works.
  - c. Where sanitary sewer is provided, sewer service lines must be installed to serve all lots within the subdivision at the time they are constructed. Sewer service lines must extend to the lot line and the preferred location is the low side of the lot.
- (4) *Water Supply.* All platted lots must be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection.
  - a. Where a connection to a public water system is present at the boundary of the subdivision, water distribution facilities, including fire hydrants, must be installed to serve all properties within the subdivision, in addition to any other requirements for public sewer in Florida Statute.
  - b. Where a connection to a public water system is present, it must be extended for and throughout the entire subdivision in such a manner that each lot within a subdivision is serviced by means of a connection to the water system within its own frontage.

- K. Phasing.** Phasing of development or improvements may be required as part of subdivision approval to maintain current levels of service for existing public services and facilities or for other reasons based upon protecting the health, safety, and welfare of residents.

**L. Open Space.**

- (1) Open space requirements for a subdivision shall be dependent upon the underlying zoning district.

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- a. Subdivision development within the R-1AA and R-1A zoning districts shall require a proposed subdivision to provide 30% of the total land area as dedicated open and/or common space which satisfies the requirements identified in Subsection 12.4.
  - b. Subdivision development within the R-1 and R-2 zoning districts shall require a proposed subdivision to provide 25% of the total land area as dedicated open and/or common space which satisfies the requirements identified in Subsection 12.4.
  - c. Subdivision development within the R-3 zoning district shall require a proposed subdivision to provide 20% of the total land area as dedicated open and/or common space which satisfies the requirements identified in Subsection 12.4.
- (2) Required open space areas shall be in addition to private front, side, and rear yards.
  - (3) Proposed landscaped areas and strips, outside of individual parcel yard areas, shall be included in the required open space areas calculations.

### 17.7 HARDSHIP CASES AND VARIANCE APPROVAL

Where strict adherence to any of the provisions of this section would cause unnecessary hardship, due to topographical or other conditions peculiar to the site, the planning board may recommend and the city council may approve a variance. The reasons for the granting of any such variance shall be clearly specified and entered into the city council's minutes.

### 17.8 CONSERVATION DESIGN TRIGGERS

- A. Certain subdivisions are subject to the requirements for conservation design. This section describes those factors that trigger the required use of conservation design. In addition, when the triggers do not apply, an applicant may choose to subdivide their property in accordance with the conservation design requirements.
- B. Conservation design is required when the development site meets specific triggers. For the purpose of determining a trigger, the area of analysis must include the property to be subdivided along with a buffer area extending 500 feet around the property.
- C. An applicant may object to the designation of land as requiring conservation design by demonstrating, through the submittal of an analysis prepared by experts, to the Planning Director, that the property does not meet the triggers for conservation design. If the Planning Director concurs with the evaluations submitted by the applicant, then conservation design is not required. The Planning Director may seek independent expert opinion regarding the analysis and conclusions.
- D. Conservation design is required when the cumulative acreage contained by the following resources equals or exceeds 20% of the total area of the area of analysis, as defined in item B above:
  - (1) Regulatory wetlands, except farmed wetlands.
  - (2) Regulatory floodplains.
  - (3) Woodlands based on on-site determination.
  - (4) Wildlife habitat based on on-site determination.
  - (5) Environmentally significant corridors and greenways based on on-site determination.
  - (6) Publicly significant natural open spaces and preserves.

## 17.9 CONSERVATION DESIGN STANDARDS

### A. General Requirements.

- (1) The minimum area required for conservation design is 20 acres. However, the City Council may approve a smaller area only if the purpose and objectives of this district can be met.
- (2) Conservation design is permitted only in those areas zoned residential.
- (3) Lots must be configured to minimize the loss of natural resources, including wetlands, bayous, water bodies, woodlands, and historical resources.
- (4) The development must preserve scenic natural views, including views from roadways.
- (5) If agricultural uses are being maintained within the development, lots must be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

### B. Development Standards.

- (1) There are two levels of conservation design:
  - a. Conservation Design Low Density (CD-L): is intended for areas of low-density residential.
  - b. Conservation Design Medium Density (CD-M) is intended for areas of medium-density residential.
- (2) Development in a CD District must meet the requirements of Table 13.1: Conservation Design District Standards. The intent of these standards is to allow for clustering of lots of a smaller area to preserve natural areas.

**Table 17.9.1. Conservation Design Standards**

|                               | CD-L      | CD-M     |
|-------------------------------|-----------|----------|
| Minimum Lot Area              | 10,000 sf | 8,000 sf |
| Minimum Lot Width             | 100'      | 75'      |
| Maximum Building Height       | 35'       | 35'      |
| Minimum Front Setback         | 20'       | 15'      |
| Minimum Interior Side Setback | 10'       | 10'      |
| Minimum Rear Setback          | 20'       | 15'      |

- (3) There must be a perimeter buffer yard around the entire conservation design development of no less than 75 feet. No development is permitted in this perimeter buffer yard, which must remain landscaped with no structures. This perimeter buffer yard may be included in the required percentage of open space if undivided and restricted in perpetuity from future development. Access points to the development are permitted within this perimeter buffer yard.
- (4) Residential dwellings must be clustered according to the following standards.
  - a. Each residential cluster is limited to no more than 20 dwellings.
  - b. Residential clusters should be located a minimum of 100 feet apart lot line to lot line, separated by greenbelts or other natural features. The greenbelts may include bike paths or hiking trails, no development is permitted within these separation areas.

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- c. Residential clusters must be located to minimize negative impacts on the natural scenic and cultural resources of the site.
  - d. Residential clusters must be sited to achieve the following goals:
    - i. Minimize disturbance to natural areas. Clear-cutting is prohibited.
    - ii. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
    - iii. Protect scenic views of open land from adjacent roads.
  - e. Siting of residences must not encroach on rare plant communities, high quality sites, or endangered species.
  - f. Whenever possible, open space must connect with existing or potential open space on adjoining parcels and local or regional recreational trails.

**C. Required Common/Open Space.**

- (1) At least 40% of the land area in a conservation design must be maintained as active or passive open space, as described in this section.
- (2) The minimum open space required must be owned and managed as described in this section. The uses within the open space must be accessible to the residents of the development. These uses may also be available to the general public. The required open space must be undivided and restricted in perpetuity from future development.
- (3) The following active and passive open space uses are counted toward the required common open space percentage required:
  - a. Natural water features, wetlands, and conservation areas. No more than 25% of the required open space area may consist of water bodies, ponds, floodplain, or wetlands.
  - b. A trail system connecting open space areas.
  - c. Recreational facilities such as swimming pools, tennis courts, and skate parks. No more than 30% of the required total open space area may consist of structures for recreational facilities.
  - d. Hiking trails and fitness courses.
  - e. Parks and playgrounds.
  - f. Greenways.
  - g. Detention/retention areas which are accessible to occupants or the public via nature trails, boardwalks, perimeter walkways or street, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
  - h. Botanical gardens, greenhouses, and community gardens.
  - i. Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing structure).
  - j. Agricultural uses, including vineyards with wineries.
- (4) The following areas are permitted but are specifically excluded from the required common open space percentage:
  - a. Yards on individual lots or yards that are reserved for the exclusive use of an individual property owner.

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- b. Dedicated streets, alleys, or other public rights-of-way.
  - c. Vehicular drives, private streets, and parking, loading and storage areas.
  - d. Golf courses.
  - e. One community shopping area not to exceed 40,000 square feet of building area.
    - i. A 50% decrease in allowable parking and a 25% increase in required landscaping shall apply.
    - ii. Utilization of approved pervious pavement systems shall adjust parking and landscaping requirements by up to 15%.
- (5) A management plan must be prepared and submitted for all common open space, including any man-made drainage facilities that serve more than one property, such as detention/retention ponds. The designated common open space and common facilities must be owned and managed by one or a combination of the following:
- a. A homeowners association.
  - b. A condominium association.
  - c. A non-profit conservation organization or park district.
  - d. An individual who will maintain the land for common open space purposes, as provided by a conservation servitude. This option may be used only on a very limited basis for unique situations where no other options are practical, as approved by the City Council.

## 17.10 TINY HOME SUBDIVISION

The plans for a Tiny Home Subdivision will be prepared in accordance with the specifications and requirements of Article 6, in addition to the specifications and requirements of Article 17 for all subdivisions in the City.

The owner or developer shall submit, to the Planning and Development Department for approval, plans for adequate storm drainage, street grading and street improvements, sewer and water systems, which shall be installed by the owner or developer. These improvements shall be installed in accordance with the provisions contained in these regulations and those included in the public works manual. Entrance signs to subdivisions shall be permitted; refer to Subsection 17.7 of these regulations. All such plans shall be prepared and sealed by a state licensed civil engineer.

### 17.10.01 General Design Standards and Applicability for all Tiny Home Subdivisions

- A. *Zoning Requirements.*
  - 1. Tiny home subdivisions are permitted only on property zoned R-3 and R-U.
- B. *Minimum Lot Area.* All tiny homes shall have a minimum lot size of 3500 square feet.
- C. *Minimum Lot Width.* The minimum lot width within a tiny home subdivision shall be forty feet. If the property is contiguous to a different zoning district, the lot width must meet the requirements of required setbacks and perimeter buffers.
- D. *Subdivision Type.* A tiny home subdivision, developments may be categorized as either a Major Tiny Home Subdivision or a Minor Tiny Home Subdivision.
  - 1. *Major Tiny Home Subdivision.* Constitutes a subdivision of land into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, whether improved or

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unimproved and includes the establishment of new streets and required infrastructure. Subdivision of land must be in accordance with Section 17.4.

2. *Minor Tiny Home Subdivision.* Constitutes a subdivision of land containing not more than three (3) lots abutting upon an existing dedicated street with permanent pavement and other required infrastructure improvements. A minor Subdivision of land must be in accordance with Section 17.5.

#### **17.10.02 Major Tiny Home Subdivision Design**

##### **E. Common Areas and Community Buildings.**

1. All Major Tiny Home subdivisions will be required to provide 8,000 square feet of common area to include 4,000 s.f. of open space per acre developed.
2. Ownership. Common open space areas, community buildings and common parking areas shall be owned and maintained commonly by the residents of the subdivision through a condominium association, a homeowners' association, or a similar association. Common areas and community buildings shall not be dedicated to the City of Milton.
3. Property Maintenance. A centralized property management entity shall be created to enforce the restrictions contained herein and said entity shall be responsible for maintaining common open space areas, landscaping and buffer yards, common parking areas, sidewalks, pathways and trails, common signage, common irrigation, common waste disposal areas and other common areas within the property.
4. Common Areas. Common Area amenities shall be completed and made operational prior to the issuance of a Certificate of Occupancy for the first tiny home within the subdivision.
  - a. Common areas and open space must be shown on the Master Development plan for all Major Tiny Home Subdivisions.
  - b. Common Area Open Space shall be at minimum 8,000 square feet per acre developed. Or for developments less than an acre, 1,000 of open space per each tiny home lot.
  - c. Calculations of open space areas shall not include paving areas, yard areas within individual lots, private open spaces, driveways, sidewalks and stormwater detention/retention areas.
  - d. Swimming pools, playgrounds, courts and other recreational amenities may be counted towards the open space requirements.
  - e. Common open space areas shall include usable public spaces, such as gardens, lawns, patios, pavilions.
  - f. Common lawn furniture, benches and playground and fitness equipment are encouraged with all homes having direct access.
  - g. Tiny home lots shall be designed to surround a centralized principal common open space area. If such design is not permissible, each tiny home lot shall have walkable access to the central area, the walkable access will not be deducted from the required common area open space. Additionally, common open space area not directly part of a centralized principal common open space area may account for 25% of the total common open space requirement.
  - h. A system of interior paved Sidewalks and pathways and paved or unpaved trails shall interconnect all common space areas, each tiny home, parking areas.

##### **F. Setbacks and Buffers.**

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1. **Perimeter Buffer.** All Major Tiny Home Subdivisions shall have a buffer yard that is a minimum of 20 feet. This perimeter buffer yard may be included in the required percentage of open space if undivided and restricted in perpetuity from future development. Access points to the development are permitted within this perimeter buffer yard.
  2. **Required setbacks** will follow the requirements for the zoning district in which the subdivision is located.
  3. **Setbacks Abutting a Roadway.** Where abutting a roadway, tiny homes shall be setback a minimum of fifteen (15) feet.
- G. ***Tiny Home Lot Arrangement.*** Each tiny home lot shall abut a centralized principal common open space area on at least one side.
- H. ***Parking Requirements and Roadway Surfacing.***
1. ***Location of Parking.*** Parking Spaces may be established on individual lots or within common parking areas.
  2. ***Number of Parking Spaces.*** Parking Spaces shall be provided at a ratio of not less than two (2) parking spaces for each tiny home lot.
  3. ***Number of Guest Parking Spaces.*** A minimum of 0.25 guest parking spaces, rounded up to the next whole number, shall be provided for each tiny home unit. Guest parking may be co-located within a driveway on an individual lot or can be established in a common parking area.
  4. ***Handicap Parking Spaces.*** Where guest parking is provided within common parking areas, handicap parking spaces shall be provided at a ratio of not less than one (1) handicap parking space for each twenty-five (25) guest parking spaces. Any additional parking areas established to accommodate parking requirements for community buildings or common recreation areas shall also provide one (1) handicap parking Space for each twenty-five (25) spaces established.
  5. ***Parking Surface.*** All designated parking areas shall be constructed of a stabilized, paved asphalt, concrete, permeable or other surface material, as approved by the City Engineer or designee. Crushed shell compacted clay and other similar materials shall not suffice as a permitted parking surface material. All handicap parking spaces shall be paved.
  6. ***Fire Lanes.*** All designated fire lanes shall be paved and engineered to City standards to accommodate the weight of a fire truck and associated apparatus. Said paving system shall be approved by the City Engineer or designee.
- I. ***Landscaping.*** Landscaping requirement for Major Tiny Home Subdivisions shall respect the general landscape requirements in Article 12 of this Code, except as expressly supplemented or modified in this section.
1. Canopy and/or small/understory trees shall be planted in common open space areas in an amount equal to thirty percent (30%) coverage over the total common open space requirement.
  2. Canopy cover for common parking areas and paved pedestrian ways shall be established in accordance with vehicular use areas and interior landscaping requirements.
  3. Prior to issuance of the first Certificate of Occupancy for any building constructed on the property (whether a tiny home or other building), applicable buffer yard standards shall be met.
  4. A minimum of two (2) small/understory trees shall be planted for each tiny home unit. Such trees shall be planted on the lot of the unit they serve.

#### **17.10.03 Minor Tiny Home Subdivision**

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A. Setbacks.

1. Required setbacks will follow the requirements for the zoning district in which the subdivision is located.
2. Setbacks Abutting a Roadway. Where abutting a roadway, tiny homes shall be setback a minimum of fifteen (15) feet.

B. Parking. Where common parking areas are utilized in a Minor Tiny Home Subdivision, the standards provided in 17.9.02 shall be followed.

C. Landscaping. Landscaping requirements for Major Tiny Home Subdivisions shall respect the general landscape requirements in Article 12 of this Code and Section 17.10.02, except as expressly supplemented or modified in this section.

D. Landscape buffering standards may be applied to mitigate impacts between differing zoning districts, incompatible of potentially incompatible land uses.

( Ord. No. 1947-20 , § 1, 9-8-2020; Ord. No. 1961-21 , § 1(Att. A), 6-15-2021)

## ***ARTICLE 18. PLANNED DEVELOPMENT PROJECTS***

### **18.1 INTENT AND PURPOSE**

The intent of this Article is to encourage the unified development of tracts of land by permitting, within the confines of an overall density limitation, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of district requirements established in these regulations. Where such flexibility is permitted, planned development project (PDP) design and construction shall follow a carefully devised plan of development which shall be prepared in accordance with the requirements and procedures herein prescribed.

### **18.2 GENERAL REGULATIONS**

The general regulations for all planned development projects (PDP) shall be as follows:

- A. Construction of all PDP's shall be initiated within one year after approval of the final plan.
- B. The owner of a PDP shall provide and permanently maintain the areas required for landscaping and open space purposes.
- C. The PDP applicant shall be required to provide a detailed statement of assurances, including covenants, agreements or other specific documents, showing ownership and a method of providing perpetual maintenance to be applied to those areas within the project that are to be used for open space, recreational or other common or quasi-public purposes. Such a statement, if required shall be attached to the preliminary and final plats as special conditions.
- D. Approval of a development order for a PDP shall be conditioned upon the applicant providing an instrument of financial security acceptable to the City Manager, such as an open-end letter of credit or a bond in the amount of 110 percent of the improvements required, including streets, utilities, landscaping, etc. If the PDP is to be developed in separate phases, an instrument of financial security shall be required for each separate phase.
- E. An applicant for a PDP may include a proposed division of the tract of land within the project property lines into one or more separately owned and operated units. Such proposed divisions, if approved

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along with the proposed planned development project and if in compliance with the subdivision regulations shall be permissible without further proposed subdivision regulation approval. All projects which include a proposed subdivision of the total tract of land within the property lines into one or more separately owned and operated units shall, if approved, be subject to all attached special conditions and all existing subdivision regulations.

- F. There shall be no subdivision of an approved planned development project, unless such subdivision is in conformance with the originally approved and recorded final plat or an amended final plat of the planned development project has been approved and recorded.
- G. There shall be no change, alteration, amendment or extension of any approved planned development project final plan unless such change, alteration, amendment or extension is approved in conformance with the procedures for filing a PDP.
- H. Construction of all PDP's shall be completed within a designated period after approval of the final plan. The city council may grant an extension of completion time when such extension is deemed reasonable and necessary by the city council.
- I. In any planned development project (PDP), although it is permissible to depart from conformance with the principal building and single-lot dimension and area regulations contained in these regulations, there shall be no diminution of the regulations and standards set forth for planned development projects.
  - (1) Applications for approval of planned developments projects shall be reviewed by the technical review committee (TRC) and the planning board. The planning board will forward a recommendation to the city council which shall make a determination regarding development order approval. The technical review committee and planning board shall examine the proposed PDP with particular attention to the following criteria:
    - a. The influence the proposed project may be expected to have on existing or future development in surrounding areas and the achievement of a desirable spatial relationship between the buildings and the land, and between the buildings themselves;
    - b. To ensure that the roads, thoroughfares, streets and accompanying access points proposed are suitable and adequate to carry anticipated traffic and the increased land use intensity will not generate traffic in such amounts as to overload the existing or proposed street network;
    - c. To ensure that existing or proposed utility services are adequate for the population densities or land use intensities proposed; and
    - d. To ensure that the proposed project reflects the overall location standards and principles of land use arrangement and design as set forth in the comprehensive plan and especially the land use plan for the area.
  - (2) Off-street parking space shall be provided on the site so that there will be no generation of automobile parking on any street or access road. Driveways shall be constructed and/or streets shall be widened by at least the width of a parking space and/or additional parking areas shall be provided such that there will be a minimum of 2½ parking spaces for each residential unit.
  - (3) All off-street parking facilities proposed to be located either below ground level or above ground level shall be designed and constructed so that the entrance and exit ramps do not result in direct or indirect traffic congestion on the site or on adjacent streets.
  - (4) Areas shall be provided for the parking, loading and unloading of delivery trucks and other vehicles and for the servicing of buildings by refuse collection, fuel and other service vehicles in addition to the required automobile parking spaces. Such areas shall be adequate in size and so

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arranged that they may be used without blockage or interference with the use and access ways of automobile parking facilities.

- (5) A landscaped separation strip at least five feet in width shall be provided and maintained by the developer along all access roads on which off-street parking space is located.
- (6) Access points on all collector or arterial streets serving a PDP shall be properly located and spaced as provided for in these regulations by Article 15. The development approval authority may approve the use of temporary access points that shall be eliminated by the developer when access roads or other streets are extended to the permanent access points.
- (7) No planned development project shall be permitted vehicular access to a minor residential street unless specifically approved by the development approval authority (city council).
- (8) Lighting facilities shall be arranged in such a manner so as to prevent direct glare or hazardous interference of any kind to adjoining streets or properties. The lighting requirements of Article 15 shall be met.
- (9) All planned development projects shall provide pedestrian and bicycle circulation and access facilities throughout the development to include access to any and all vehicular access points.
- (10) All planned development project building construction shall conform to all local, state and federal regulations pertaining to the particular type of building proposed. The developer shall provide assurance of such compliance upon submittal of detailed construction plans for review.
- (11) At minimum, 30% of the developable area within a planned development project shall be dedicated to a combination of open-space, natural space, and/or recreation areas.
  - a. Required landscaping strips shall not be counted toward this calculation.
    - i. Increases in the strip, over the required width, may be counted in the overall open-space calculation.
- (12) Residential cluster development may be permitted, provided the requirements of Section 18.3 can be met. Additional Fire and Life Safety review shall be required.
- (13) The technical review committee or planning board may recommend and the city council may require any reasonable special condition necessary to ensure that there shall be no departure from the intent of these regulations. Because a PDP is inherently more complex than a single lot development and because each project must be tailored to the topography and neighboring uses, the standards and special conditions for such projects cannot be inflexible.

### 18.3 DEVELOPMENT STANDARDS

All planned development projects (PDPs) shall be subject to the following regulations for the specific type of development to allow the city council to grant variances and allow for flexibility:

**A. Residential planned development project.**

- (1) *Intent.* The intent is to permit and encourage the development of single-family and multifamily developments with a common open area of green space and to provide the necessary commercial development to service the residents within the planned development project.
- (2) *Permitted districts.* A residential planned development project shall be permitted in any residential district, including RC-1 and SSC-RC, upon the city council's approval. Special attention shall be given to the density and intensity of the proposed PDP to the surrounding residential development density and intensity to determine compatibility.

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- (3) *Permitted uses.* Uses permitted in a residential PDP shall be as follows:
- a. Single-family detached residence, two-family and multiple-family dwelling units (including townhouses, row-houses, garden apartments and condominiums);
  - b. Parks and playgrounds, landscaped areas and greenbelts;
  - c. Uses such as schools, churches, hospitals, clinics, government offices and similar uses;
  - d. Professional and business offices, clinics and studios;
  - e. Financial institutions;
  - f. Recreation and amusement establishments; provided that all business activity, both indoor and outdoor, shall be conducted in accordance with part II, chapter 8 of the city Code of Ordinances;
  - g. Clubs, lodges, golf courses and clubhouses;
  - h. Docks and marinas;
  - i. Commercial areas limited to establishments intended to primarily serve the residential uses; provided that all merchandise shall be stored and displayed within fully enclosed buildings. Such commercial uses shall not occupy more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way; and
  - j. Airparks developed in accordance with these regulations and FDOT and FAA requirements.
- (4) *Compatibility.* The tract of land must be suitable for the residential PDP by virtue of its location, shape, topography and the nature of surrounding development.
- (5) *Standards.* The following standards shall be met in the development of a residential PDP:
- a. Every structure containing dwelling units shall have access to a public street directly or via a city walkway or other area dedicated to public use or owned and maintained by a home association. Dwelling units need not front a road; and
  - b. No minimum lot size or setback shall be required for residential structures within the PDP, except that the total acreage of commercial space or nonresidential uses shall be no more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way. Five feet of clear space shall be required between any projection of a structure and the adjacent property line, and ten feet of clear space between any projections of a structure from any projection of an adjacent structure.
  - c. The standards for maximum floor space, and for minimum recreational space, outdoor living space, open space and parking space shall be related to the land use intensity ratings and standards as established in FHA's Minimum Property Standards for Multifamily Housing. The density of development shall be determined by the development approval authority.
- (6) *Minimum area.* Any tract of land for which a residential PDP application is made shall contain a minimum amount of land as specified for by the following types of development:

**Table 18.3.1. Minimum Area Required**

| Major Type of Use           | Minimum Area Required (Acres) |
|-----------------------------|-------------------------------|
| Single-family residential   | 5                             |
| Multiple-family residential | 2.5                           |

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|-----------------------------------------------------------------------------|---|
| Mixed single and multiple-family residential use (over 50% multiple-family) | 4 |
| Mixed residential and commercial or public uses                             | 5 |

**B. Mobile Home Planned Development Project.**

- (1) *Intent.* The intent of a mobile home planned development project is to develop a mobile home park or subdivision that is created in a manner that is suitable for location among other residential uses.
- (2) *Permitted districts.* A mobile home PDP shall be permitted in the RU district upon the city council's approval.
- (3) *Permitted uses.* Uses in a mobile home PDP shall be as follows:
  - a. Mobile homes;
  - b. Parks and playgrounds, landscaped areas and greenbelts;
  - c. Uses such as schools, churches, hospitals, clinics, government offices and similar uses;
  - d. Recreation and amusement establishments; provided that all business activity, both indoor and outdoor, shall be conducted in accordance with part II, chapter 8 of the city Code of Ordinances;
  - e. Clubs and lodges, golf courses and clubhouses;
  - f. Docks and marinas; and
  - g. Commercial area limited to establishments intended to primarily serve adjacent residential area; provided that all merchandise shall be stored and displayed within fully enclosed buildings. Such commercial uses shall not occupy more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way.
- (4) *Compatibility.* The tract of land must be suitable for a mobile home planned unit development project by virtue of its location, shape, topography and the nature of surrounding development.
- (5) *Standards.* All mobile home planned development projects shall conform with the following minimum standards of development:
  - a. Every mobile home unit shall have to abut a public street directly or via a city walkway or other area dedicated to public use or owned and maintained by a home association. Mobile homes need not front a road;
  - b. No minimum lot size or setback shall be required for mobile home dwellings within the PDP, except mobile home dwellings on the perimeter shall provide a 25-foot minimum greenbelt separation from adjoining developments. The greenbelt, if not left and maintained in a natural state, shall be increased to 50 feet and shall contain a landscaping component which meets the minimum planting standards set forth in Subsection 12.5.
  - c. No minimum lot size or setback shall be required for commercial or nonresidential uses, except that the total acreage of commercial or nonresidential uses shall not be more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way; and

- d. The standards for maximum floor space and for minimum recreation space, outdoor living space, open space and parking space shall be related to the land use intensity ratings and standards as established in FHA's Minimum Property Standard for Multifamily Housing.

(6) *Minimum area.* The minimum area for a mobile home PDP shall be as follows:

**Table 18.3.2. Minimum Area Required for MHP PDP**

| Major Type Uses                            | Minimum Area Required (Acres) |
|--------------------------------------------|-------------------------------|
| Mobile home residential only               | 3.5                           |
| Mobile home with commercial or public uses | 5                             |

C. **Commercial planned development project.** [\(Under review by the Milton Planning Board\)](#)

- (1) *Intent.* The intent of a commercial planned development project is to provide for creativity and quality of design in the development of commercial facilities either separately or in connection with residential or other uses.
- (2) *Permitted districts.* A commercial PDP shall be permitted in all commercial districts as well as the R-3 and the SSC-RC districts.
- (3) *Permitted uses.* The following uses shall be permitted in a commercial PDP:
  - a. Comparison goods stores;
  - b. Convenience goods stores;
  - c. Antique stores;
  - d. Personal service establishments;
  - e. Business, professional and nonprofit organization offices;
  - f. Public offices;
  - g. Restaurants;
  - h. Indoor motion picture theaters;
  - i. Helicopter landing facilities and airfields developed in accordance with these regulations and FDOT and FAA requirements; and
  - j. Other substantially similar uses upon the city council's approval.
- (4) *Capability.* The tract of land must be suitable for a planned commercial development by virtue of its location, shape, topography and the nature of the surrounding development.
- (5) *Standards.* The following standards shall be adhered to in the development of a commercial PDP:
  - a. All drives permitting ingress and egress into and off the site shall be designed in a manner that is safe and will minimize the amount of traffic congestion;
  - b. Marginal access roads with pavement of sufficient width to accommodate projected traffic volume shall be provided along any thoroughfare frontage. However, alternate access designs sufficient to accommodate projected traffic volumes may be provided where applicable or more appropriate to the design or location of the site or of the abutting thoroughfare;

- c. The applicable Landscaping, buffer yard, and screening requirements identified in Article 12 shall be met in a manner that minimizes adverse impacts on neighboring properties to the greatest extent reasonably possible.
- d. The city council, if deemed necessary, may place any other requirements or restrictions on the developer of the commercial PDP.

(6) *Minimum area.* The minimum area for a commercial PDP shall be as follows:

**Table 18.3.3. Minimum Area Standards for Commercial PDPs**

| Major Type of Use          | Minimum Area Required (Acres) |
|----------------------------|-------------------------------|
| Commercial                 | <del>2.5</del> None           |
| Commercial and residential | <del>5-3</del>                |

**D. Mixed use planned development project.**

- (1) *Intent.* The intent of a mixed use planned development project is to provide for the combining of uses in a planned and controlled manner so as to create an environment suitable for all phases of life. The preserving of open space and the development of ample recreation facilities are of the utmost concern in the development of the project.
- (2) *Permitted districts.* Mixed use PDP's shall be permitted in all commercial districts and in R-1, R-2, R-3, and RU districts, however, a mixed use PDP with an industrial component shall not be allowed in an R-1 or R-2 district.
- (3) *Permitted uses.* A mixed use planned development project may include any two or more of the planned development projects. The premises of a combined planned development project shall be used for only those uses designated in the respective planned development project regulations of this UDC. The development projects include the following:
  - a. Residential planned development project;
  - b. Mobile home planned development project;
  - c. Planned commercial development project; and
  - d. Planned industrial development project.
- (4) *Compatibility.* The tract of land must be suitable for a mixed use planned development project by virtue of its location, shape, topography and nature of surrounding development.
- (5) *Standards.* In any mixed use planned development project, although it is permissible to provide a mixed and integrated development, there shall be no diminution of the required land area, parking and circulation area, open space dimensions, standards and regulations that would be required for each type of building and use if it were submitted as a separate planned development project.
  - a. For the purpose of computing the total requirements, it shall therefore be necessary to submit a breakdown and justification for each type of building and the use by its specific category (i.e. residential, mobile home, commercial and industrial) and the manner in which each meets the requirements for such buildings and uses as set forth in the respective planned development project regulations. In all mixed use PDP's, in order to achieve a mix of uses no part of the PDP (i.e. residential, commercial, mobile home, or industrial) shall occupy an area less than 30 percent of the land area proposed to be designated as a PDP.

- (6) *Minimum area.* The minimum area for a combined planned development projects shall be as follows:

**Table 18.3.4. Minimum Area Standards for Mixed-Use PDPs**

| Major Type of Use                      | Minimum Area Required (Acres) |
|----------------------------------------|-------------------------------|
| Residential and commercial             | 5                             |
| Commercial and industrial              | 10                            |
| Residential and industrial             | 15                            |
| Residential, commercial and industrial | 20                            |

( Ord. No. 1448-17 , § 1, 7-11-2017)

#### 18.4 APPLICATION PROCESS

**A. Pre-application conference (optional).**

- (1) *Conference.* A pre-application conference with the technical review committee (TRC) may be requested at the option of the developer. This conference provides the developer an opportunity to gather information and obtain guidance as to general conformity of the planned development project with the area in which it is proposed, and with the provisions of these regulations prior to entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.
- (2) *Points.* During a pre-application conference, particular attention should be given to:
  - a. The present uses and character of the area;
  - b. The road and street system, especially:
    - i. Interior neighborhood through routes;
    - ii. Collector and arterial streets both existing and proposed; and
    - iii. The rights-of-way widths for all roads and streets;
  - c. Public and private open space parks and trails;
  - d. Public utilities and services or their counterpart:
    - i. Water;
    - ii. Sewer;
    - iii. Fire protection;
    - iv. Stormwater management; and
    - v. School facilities;
  - e. Type structures to be built; and
  - f. Proposed uses to be developed.

- B. Conceptual development plan (optional).** The developer shall make an application for approval of a planned development project to the Planning and Development Department as provided for under Article 3 of this Unified Development Code. The application may be filed on the basis of a conceptual plan as contained in

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this subsection or the developer may, at his option, omit this step and file his application based on a detailed plan as contained in Subsection 18.5(C) of this Article.

- (1) *Purpose.* The purpose of a conceptual plan is to provide an opportunity for a plan to be submitted to the technical review committee and planning board showing the intent of the developer and the nature of development with as little expense as possible. This conceptual plan may serve, at the option of the developer, as the basis for the required public hearing, which, thus, can be held in the early stages of the proposal.
- (2) *Maps and written statement.* The conceptual plan shall include the required maps and written statement setting forth the details of the proposed development. The maps must depict the area surrounding the proposed development and demonstrate the relationship of the PDP to the adjoining uses; both existing and those proposed by the developer. The maps shall be in a general schematic form and shall contain the following information:
  - a. The approximate topography;
  - b. Proposed land uses and the approximate location of existing and proposed buildings and other structures on the site and existing buildings, structures and uses adjacent to the site;
  - c. The proposed character and approximate density of dwellings;
  - d. The approximate location of all streets and rights-of-way, walkways, and parking facilities;
  - e. Public uses, including schools, parks, playgrounds and other open spaces; and
  - f. The maps shall indicate which facilities are to be public or private.
- (3) *Explanation.* The written statement shall contain an explanation of the:
  - a. Character of the proposed development and the manner in which it has been designed to take advantage of the PDP concept;
  - b. Proposed sewage disposal facilities, water supply and stormwater drainage provisions;
  - c. Manner of financing proposed;
  - d. Present ownership of all the land included within the planned development project;
  - e. Method proposed to maintain private common open areas, buildings and other facilities; and
  - f. General indication of the expected schedule of development.
- (4) *Public hearing.* A public hearing is required for approval of all PDP's and may be held based on the conceptual plan or on the detailed plan at the option of the developer. All property owners within 500 feet of the boundaries of the proposed PDP will receive notification of the public hearing. Costs of such notification shall be paid by the developer prior to advertisement of the hearing.
- (5) *Conceptual plan approval.*
  - a. If, after a public hearing, the planned development project is approved by the city council, then a resolution shall be passed by the city council stating that they will designate the specified area as a PDP; provided that the city council approves the detailed plan, or final plan, as is appropriate.
  - b. In the event the city council has conditioned its approval upon required modifications to the plan, then such conceptual plan approval shall not be effective until the developer has filed, with the Planning and Development Department written agreement to modify the plan as required.
  - c. If a detailed plan covering the area in the conceptual plan has not been filed within six months from the date of approval of the conceptual plan, the approval shall expire. The city council at its

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discretion, may extend for additional periods not in excess of six months each, the filing of the detailed plan when, good cause for such extension is shown.

**C. Detailed plan.**

- (1) *Purpose.* The purpose of the detailed plan is to provide a specific and particular plan upon which the city council will base its decision. Substantial compliance with the detailed plan is necessary for the preparation of the final plan. When seeking approval of a planned development project, the detailed plan should be filed as follows:
  - a. As the initial plan if no conceptual plan has been approved at the time application is made, or
  - b. As the second step plan when a conceptual plan has been approved. The detailed plan may be submitted in stages or in its entirety, within six months following its approval, unless an extension has been granted.
- (2) *Maps and written statement.* If a conceptual plan has not been filed and approved, then the detailed plan must include the following information in addition to that required for the conceptual plan and written statement:
  - a. A map showing:
    - i. Street location and nature of the improvements;
    - ii. Lot lines and lot design;
    - iii. The landscaping and tree planting plan; and
    - iv. Stormwater drainage system;
  - b. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar uses;
  - c. A site plan for each building, except single-family lots, and the common areas, showing the approximate location of all buildings, structures, and improvements, and indicating the open spaces around the buildings and structures;
  - d. Elevation and perspective drawings of all typical proposed structures and improvements, except single-family residences and their accessory buildings. The drawings need not be the result of final architectural designs and need not be in construction detail;
  - e. A development schedule indicating:
    - i. The approximate date when the construction of the project can be expected to begin;
    - ii. The phases in which the project will be built and the approximate date when construction of each phase can be expected to begin;
    - iii. The approximate dates when the development of each of the phases in the development will be completed; and
    - iv. The area and location of common open space that will be provided for each phase;
  - f. Agreements, provisions, declarations or covenants which govern the use, maintenance and continued protection of the planned development project and any of its common open areas; and
  - g. The following plans and diagrams will be provided when the technical review committee or planning board finds that the PDP creates special problems for traffic or parking:
    - i. An off-street parking and loading plan; and

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- ii. A circulation plan indicating the proposed movement of vehicles, goods and pedestrians, within the PDP and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.

(3) *Detailed plan approval.*

- a. If a conceptual development plan was not submitted and approved, the detailed plan shall be considered in the same manner as provided for in the conceptual plan.
- b. If a conceptual plan was submitted, the public hearing was held and the conceptual plan was approved, then the technical review committee and the planning board shall compare the detailed plan with the conceptual plan and with the standards set forth in these regulations. If the detailed plan conforms substantially to the conceptual plan and to the standards set forth in these regulations, the city council shall grant approval of the detailed plan. The city council may place conditions upon its approval to ensure conformance to the plan as approved.
- c. Duration of approval. City council approval of the detailed plan shall be valid for a six-month period following the date of such approval. At its discretion, the city council may extend the detailed plan approval for additional six-month periods.

(4) *Disapproval of detailed plan.* In the event the city council is unable to find the detailed plan in substantial conformance to the purpose and intent of the conceptual plan, the city council shall not grant approval of the plan as submitted.

(5) *Site improvements.* The developer, at his option, may construct street improvements, sidewalks, utilities and other permanent site improvements after the detailed plan approval. The location of the buildings may be staked and applications for building permits may be submitted. Under no circumstances, however, will any building permit be issued until final plan approval has been granted and the necessary portions of the final plan recorded. The construction of improvements must be in accordance with the detailed plan and the provisions of these regulations, to obtain final plan approval.

**D. Final plan.**

(1) *Public record.* The final plan is the permanent public record of the PDP and will be the manner in which the development is constructed as provided herein.

(2) *Contents.* The final plan shall be filed within six months of the date of approval of the detailed plan and shall contain, in final form, the information required for the detailed plan. In addition, the following will apply:

- a. If parcels of land are to be sold, then a subdivision plat in the form prescribed by the city council shall be filed for approval in the appropriate manner;
- b. If land within the planned development project is not to be sold in individual parcels, then a site plan shall be prepared and filed with the city council which is suitable for inclusion in the county deed records. A permanent reproducible transparency of the final plan shall be filed with the Planning and Development Department; and
- c. Condominium plats do not need to be filed with, or approved by the city council. They are to be recorded as a distinct and separate act from the documents noted in subsections III-6.6(d)(2)a and III-6.6(d)(2)b of this section.

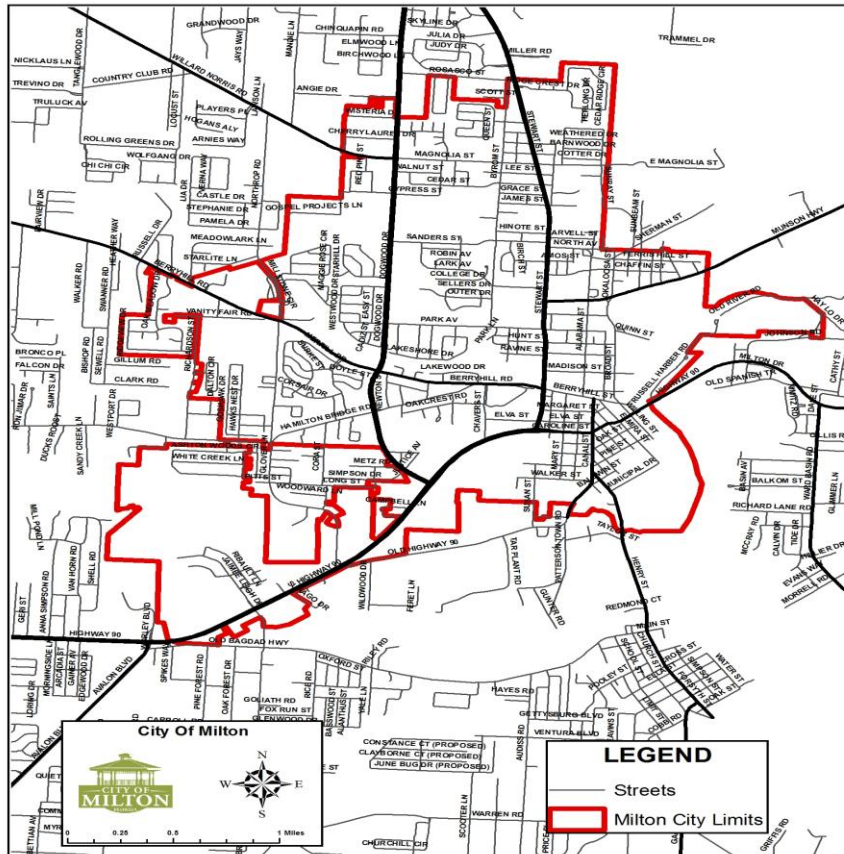
(3) *Final plan approval.* The city council shall review the final plan and shall approve the final plan if it is in substantial conformance with the approved detailed plan.

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- a. The city council shall require, as a condition of approval, the submission of satisfactory evidence that the improvements will be constructed, such as an instrument of financial security referenced in section 4.2(J).
  - b. The city council shall not approve the final plan or any phase of the planned development project if the average of the allowable dwelling units per acre, up to and including the phase which is to be approved, exceeds by more than ten percent the average number of dwelling units per acre which is allowable for the entire PDP.
  - c. Upon final approval and after all conditions have been met, the city council shall approve the recording of the final plan in the deed records when no parcels are to be sold. In the instance where parcels are to be sold, the developer will process and have recorded the subdivision plat in the manner designated by the county.
- E. **Substantial conformance.** The determination of substantial conformance between the detailed plan and the final plan shall be at the city council's discretion. Any variation in conformance is intended solely to facilitate the minor adjustments which may be necessary as the plans approach a final construction stage. The city council may refuse to grant approval of substantial conformance if, in their opinion, the adjustments are being used to significantly modify the approved plan.

#### 18.5 DESIGNATION ON THE OFFICIAL ZONING MAP

Any land for which an application for a planned development project has been approved shall be designated on the official zoning map by the letter "PDP" - "Number." The "Number" shall be progressive as the projects are approved. The PDP designation shall not constitute a change in the district boundary, but shall serve as an overlay district. As such, approval of a PDP shall not require an amendment to the city's Future Land Use or Zoning Map, if the PDP is allowed within the district in which it is approved.

## APPENDIX A. CITY BOUNDARY MAP



## APPENDIX B. THE CITY OF MILTON BIO-RETENTION AND CONVEYANCE SYSTEMS DESIGN GUIDELINES

The following design guidelines are intended to present developers within the City of Milton, information regarding the existence and potential of various alternative on-site stormwater management techniques. These guidelines are based on information found in the Florida Field Guide to Low Impact Development created by the University of Florida IFAS Extension. This guide provides a broad stroke of information on two commonly used

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methods of on-site stormwater treatment systems. Definitions, objectives, and considerations for these methods are outlined in the following passages. Installation and maintenance of these items shall be based on manufacturer and engineering specifications.

**A. Bio-retention Areas.**

**Description.** Bio-retention basins, or areas, often referred to as Rain Gardens, are typically shallow planted depressions which are designed to retain or detain stormwater on-site before it is either infiltrated or discharged downstream. Rain Gardens typically refer to bio-retention basins which are smaller in scope and scale, often times utilized on individual residential lots and small non-residential developments. Bio-retention basins, on the other hand, are larger areas designed to handle more intense developments such as multi-family and larger non-residential sites as common areas.

**Objective.** Bio-retention basins, regardless of size, retain, filter, and treat stormwater runoff using the basin dimensions, soil types, and conditioning. Depending upon design, bio-retention basins can provide retention or detention of runoff to trap and remove suspended solids and also filter or absorb pollutants as part of infiltration or prior to discharge into the City's Stormwater System.

**Applications.** Generally speaking, bio-retention basins should be limited to the following types of developments. Size and design shall be dependent upon development size and type as well as the desired outcome of the basin.

Residential Yards, including Multi-family development;

Commercial Development;

Parking Lot Islands; and

Roadways.

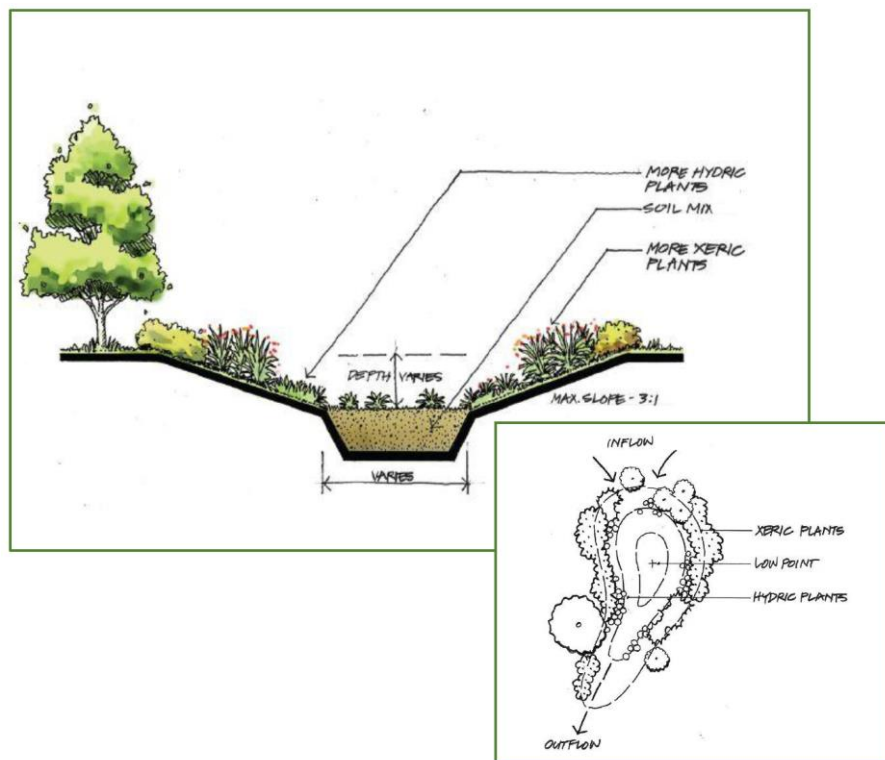
**Benefits.**

- 1) Water Protection - Bio-retention basins can remove pollutants through infiltration and plant uptake and absorption.
- 2) Run-Off Reduction - Bio-retention basins are designed to capture and retain stormwater on-site reducing the need for larger holding ponds and stormwater transmission off-site.
- 3) Improved Aesthetics - Bio-retention basins and rain gardens improve the aesthetic value of development and help to reduce irrigation costs.

**Site and Design Considerations.**

- 1) Inflow and outflow characteristics of the site must be considered. As well as the basins place in the overall landscape design and treatment system.
- 2) Generally these areas are utilized to encourage and increase infiltration. Location of the system in relation to other site components and soils should always be considered. For instance, bio-retention basins should not be placed where ponding historically occurred on site. Nor should a basin be placed over a septic tank.
- 3) Infiltration systems must be designed with soil types and water table depths in mind. Underdrains may need to be incorporated where soil conductivity is low.
- 4) Basin slope should be a maximum of 3:1. Ponding depths should not exceed 12 inches and ponding duration should not exceed 24 hours after a storm event.

- 5) Safety concerns and mosquito mitigation should also be considered when designing a bio-retention system.



#### B. Bioswales.

**Description.** A Bioswale is a vegetated swale or depression used to partially treat water quality, to retain and move stormwater run-off, and to attenuate flooding potential. Bioswales are similar to bio-retention basins in structure but are typically more linear in design.

**Objective.** Bioswales are designed to function as open-channels or drainage ways, which either convey or hold stormwater run-off. They can be used in conjunction with and as an enhancement of traditional stormwater systems or as a standalone alternative. Bioswales can be designed for transmission, or for storage and infiltration.

#### Applications.

- 1) Bioswales can be used on a larger scale than Bio-retention basins and rain gardens. They are typically utilized in parking lot islands and medians, as roadside and even highway median systems. One of the most appropriate applications are within landscape buffer yards.

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- 2) There are typically two types of swales utilized by development: wet swales and dry swales.
- 3) Wet swales use storage time and vegetation to reduce flow and trap pollutants and increase water quality. Dry swales are designed to facilitate infiltration of stormwater there by treating both the quantity and quality of stormwater run-off as well. Both designs are typically aspects of larger stormwater treatment systems and work best in conjunction with bio-retention basins and other infiltration areas.

**Benefits.** The benefits of bioswales are similar to bio-retention basins. They mitigate against flooding through infiltration or transmission of stormwater run-off, improve water quality through vegetative absorption and infiltration, and can be integrated into landscape designs as aesthetically pleasing components. Often times, if designed properly, with xeriscaping or other techniques, landscaping irrigation costs can be substantially lower than normal systems which require scheduled watering.

**Site and Design Considerations.** Again, there are a lot of similarities in the siting and design considerations between bioswales and bio-retention basins. Soil types, water table depth, and service area size all need to be considered as well as the amount of impervious surface area and the slope of the area being served.

- 1) Bioswales should be used in areas that are not overly flat or in areas which are too steep.
- 2) As a rule of thumb when designing a bioswale or system of bioswales, areas larger than ten acres with slopes greater than 5%, should not be served by a bioswale(s) alone but could certainly be utilized as a component of a larger stormwater system.
- 3) Soil composition is an important consideration when determining placement and design of bioswale systems. As well as a bioswales' place in the larger landscaped area and stormwater system.
- 4) Plant material selection is key to water quality treatment and to the effective life of a swale. Plants that are less water tolerant or non-native species may not survive or may not treat the water as well as others.



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