

TABLE OF CONTENTS

CHAPTER 160 INTRODUCTION AND ZONING DISTRICTS 1

160.01 INTRODUCTION..... 1

(A) Title..... 1

(B) Authority..... 1

(C) Intent..... 1

160.011 ZONING MAP ESTABLISHED 1

(A) Official Zoning Map..... 1

(B) Location of Official Zoning Map..... 1

(C) Rezoning Refer to Official Zoning Map..... 1

(D) Zoning District Map and Boundaries 1

(1) Zoning District Boundaries Established 1

(2) District Boundaries..... 1

(3) Interpretation of Boundaries..... 1

(4) Zoning of Vacated Streets 1

160.02 R1A SINGLE-FAMILY RESIDENCE DISTRICTS..... 2

(A) Permitted Uses..... 2

(B) Conditional Uses in Accordance with Section 168.06..... 2

(1) Community Facilities 2

(a) Act as Buffer or Transitional Area..... 2

(b) Location Criteria 2

(c) Yard Dimensions 2

(d) Maintenance of Residential Character 2

(2) Parking..... 2

(a) LDC Compliance 2

(b) Access and Egress 2

(c) Suitability 2

(d) Hardship and Nuisance Considerations..... 2

(e) Safety, Convenience and Protection of Residential Property 2

(3) Gazebos 2

(a) Defined..... 2

(b) Site Plan 2

(c) Size Restricted 2

(d) Height 2

(e) Location 2

(f) Setback from Water 2

(g) Notice to Property Owners 3

(h) Appearance 3

(4) Greenhouses 3

(a) Size..... 3

(b) Screening..... 3

(C) Minimum Lot Area..... 3

(D) Front, Side and Rear Yards 3

(1) Front Yard..... 3

(2) Side Yard..... 3

(3) Rear Yard..... 3

(E) Area, Size and Height Regulations 3

(F) Accessory Uses..... 3

(1) Garage..... 3

(2) Swimming Pools..... 3

(a) Setbacks for Pool and Enclosure 3

(b) Height of Screened Enclosures.....3

(3) Cabanas3

(a) Setbacks3

(b) Maximum Size3

(c) Maximum Lot Coverage3

(4) Guest House.....3

(a) Minimum Lot Size3

(b) Setback.....3

(c) Maximum Height3

(d) Size.....3

(e) Maximum Lot Coverage4

(5) Boathouses.....4

(6) Tennis Courts4

(7) Greenhouses.....4

(8) Gatehouses.....4

(G) Permitted and Conditional Accessory Uses.....4

(1) Permitted Accessory Uses.....4

(2) Conditional Accessory Uses.....4

TABLE 160: LOT, SETBACK AND BULK REGULATIONS5

160.03 RIB SINGLE-FAMILY, ZERO LOT LINE RESIDENTIAL DISTRICT6

(A) Permitted Uses.....6

(B) Area, Size and Height Regulations6

(C) Zero Lot Line Design Standards6

(1) Placement of Windows6

(2) Provision of Right of Access/Egress6

(3) Common Livable Area Wall Prohibited.....6

(4) Setbacks.....6

(5) Maintenance/Repairs Between Structures.....6

(6) Other Applicable Provisions6

(D) Additional Site Plan Review Criteria.....6

(1) Plans for Each Phase6

(2) Design Review Committee Action.....6

(3) Layout.....6

(4) Filing of Restrictions and Covenants6

160.04 R2A MULTIPLE-FAMILY RESIDENCE DISTRICT6

(A) Purpose.....6

(B) Additional Site Plan Review Considerations.....7

(1) Access.....7

(2) Adjacent Housing.....7

(C) Permitted Uses.....7

(D) Minimum Room and Floor Area Requirements7

(E) Density7

(F) Area, Size and Height Regulations.....7

(G) Building Distance Formula7

(H) Design Requirements for Attached Dwellings9

(1) Maximum Units per Complex9

(2) Common Wall Characteristics9

(3) Maximum Utility of Open Space9

(4) Guaranteed Maintenance of Common Areas9

(5) Design Requirements for Single-Family Zero Lot Line Structures.....9

Figure 1: Minimum Distance between Multiple-Family Buildings8

160.05 C1A LIMITED COMMERCIAL DISTRICT9

(A) Purpose.....9

(B) Permitted Uses.....9

(C) Area, Size and Height Regulations.....9

(D) Food Service Review Criteria.....9

 (1) Shopping Center Location.....9

 (2) Architecture.....9

 (3) Infrastructure.....10

 (4) Circulation.....10

 (5) Buffers.....10

 (6) Floor Area.....10

 (7) Capacity.....10

 (8) Hours of Operation.....10

 (9) Alcoholic Beverages10

 (10) Odor.....10

 (11) Storage.....10

 (12) No Drive-In.....10

 (13) Attire.....10

 (14) Loading.....10

(E) Prohibited Uses.....10

160.051 C2A LIMITED COMMERCIAL DISTRICT.....10

(A) Purpose.....10

(B) Permitted Uses.....10

(C) Conditional Uses.....10

(D) Conditional Use Review Criteria.....10

 (1) Architecture.....10

 (2) Landscaping and Site Improvements11

 (3) Buffers.....11

 (4) Floor Area.....11

 (5) Hours of Operation.....11

 (6) Alcoholic Beverages11

 (7) Odor.....11

 (8) Storage.....11

 (9) No Drive-In.....11

 (10) Loading.....11

(E) Ongoing Obligations Associated with Conditional Use11

(F) Area, Size and Height Regulations.....11

160.052 DOG-FRIENDLY DINING.....11

(A) Purpose.....11

(B) Food Service Establishment Responsibilities to the Town.....11

(C) Food Service Establishment Responsibilities to the Public.....12

(D) Permit Issuance and Regulation.....12

(E) Reporting Requirements and Complaints.....12

 (1) Report of Application and Permit.....12

 (2) Complaints.....12

(F) Enforcement.....12

160.06 P: PUBLIC DISTRICT13

(A) Purpose.....13

(B) Permitted Uses.....13

(C) Development Standards13

160.07 OS: OPEN SPACE AND RECREATION DISTRICT13

(A) Intent..... 13

(B) Permitted Uses..... 13

(C) Conditional Uses..... 13

(D) Conditional Use Criteria 13

 (1) Maximum Trip Generation..... 13

 (2) Impact on Residential Areas 13

(E) Development Standards 13

160.08 RC/ES: RESIDENTIAL CONSERVATION/ENVIRONMENTALLY SENSITIVE LANDS DISTRICT 13

(A) Intent..... 13

(B) Permitted Uses..... 13

(C) Conditional Uses..... 13

(D) Density Maximum..... 14

 (1) Marginal Wetlands 14

 (2) Otherwise..... 14

 (3) Transfer of Development Rights 14

(E) Development Standards..... 14

(F) Environmental Regulations 14

(G) Site Work..... 14

160.09 RESI: RESIDENTIAL ENVIRONMENTALLY SENSITIVE ISLAND DISTRICT 14

(A) Intent..... 14

(B) Permitted Uses..... 14

(C) Conditional Uses..... 14

(D) Density Maximum..... 14

(E) Development Standards..... 14

(F) Environmental Regulations 14

(G) Site Work..... 14

(H) Conditional Use Criteria for Dwellings on Isolated Islands 14

 (1) Vehicular Access..... 14

 (2) Requisite Infrastructure 15

 (3) Compliance with Applicable Laws 15

160.10 RESERVED..... 15

160.11 PRD: PLANNED RESIDENTIAL DISTRICT 15

(A) Purpose..... 15

(B) Unified Control..... 15

(C) Permitted Uses..... 15

(D) Development Regulations 16

 (1) Minimum Tract Size 16

 (2) Maximum Density..... 16

 (3) Minimum Lot Area, Distance between Structures and Frontage 16

 (4) Setbacks..... 16

 (5) Maximum Height of Structures 16

 (6) Minimum Floor Area Requirements 16

 (7) Building Site Coverage 16

 (8) Off-Street Parking and Loading Requirements 16

 (9) Landscaping 16

 (10) Underground Utilities..... 16

 (11) Open Space Requirements 17

 (12) Internal Circulation 17

 (13) Energy Conservation 17

 (14) Professional Services Required 17

(E) Procedures and Requirements for Rezoning to a PRD 17

 (1) Required Master Plan 17

(2) PRD Approval Procedure 17

(3) Contents of Master Development Plan..... 17

(F) Conformance to Approved Master Development Plan..... 18

(1) Compliance with Master Plan Prior to Permit Issuance 18

(2) Minor Deviations 18

(3) Major Deviations..... 18

(4) Rendering of New Application 18

(G) Effective Period of PRD Approval..... 18

160.12 GENERAL DESIGN STANDARDS 18

(A) Table of Area, Density and Bulk Standards 18

(B) Lot Width on Curved Streets 18

(C) Minimum Floor Elevation 18

(D) Maximum Floor Elevation 19

(E) Height for Non-Oceanfront Residences 19

(F) Height for Oceanfront Residences..... 19

Table 160.12 (B) LOT WIDTH ON CURVED STREETS..... 18

CHAPTER 161 SUPPLEMENTAL REGULATIONS 20

161.01 PARKING 20

(A) Parking in Residential Areas 20

(B) Unlicensed Motor Vehicles 20

(C) Trucks, Trailers, Commercial Vehicles and Recreational Vehicles Parking Upon Streets and Public Places 20

(D) Trucks, Boats, Boat Trailers, Campers and Domestic Trailers..... 20

(E) Enforcement..... 20

(F) Civil Infraction..... 20

(G) Civil Penalties..... 21

(H) Right of Violators, Payment and Right of Appeal..... 21

(I) Recovery of Unpaid Civil Penalties, Unpaid Penalty to Constitute a Lien and Foreclosure 21

161.02 GENERAL DESIGN STANDARDS 21

(A) Clothes Lines and Trash Cans 21

(B) Care of Premises..... 21

(C) Limitations on Non-Vegetative Decorative Objects in Residential Front, Side and Rear Yards 21

(1) Obstructions 21

(2) Height and Size 22

(3) Petitions for Relief from Specifications 22

(4) Violations..... 22

(5) Review Criteria 22

(6) Enforcement..... 22

(7) Objects in Place Prior to Ordinance 22

161.03 TIME SHARING PROHIBITED 22

161.04 SATELLITE DISH ANTENNA..... 22

(A) Intent..... 22

(B) Definition..... 22

(C) Building Permit Required 23

(D) Restrictions..... 23

(E) Screening Requirements 23

(1) Design Standards..... 23

(2) Location..... 23

(3) Modification to Screening Requirements 23

161.041 SOLAR SYSTEMS (PHOTOVOLTAIC, WATER OR OTHER)

(A) Intent..... 23
 (B) Definition..... 23
 (C) Building Permit Required 23
 (D) Restrictions..... 23
 (E) Screening Requirements 23
 (1) Design Standards..... 23
 (2) Location..... 24
 (3) Modification to Screening Requirements 24

161.05 TENNIS COURTS 24

(A) Intent..... 24
 (B) Setback Requirements 24
 (C) Regulation of Lighting 24
 (D) Screening Requirements 24

161.06 USE OF RESIDENTIAL UNIT AS SALES OFFICE 24

(A) Time Limit..... 24
 (B) Registration..... 24
 (C) Extension..... 24

161.07 PRESERVATION OF JUNGLE TRAIL..... 24

(A) Definitions..... 24
 (1) Protected Area..... 24
 (2) Structures..... 24
 (B) Development Abutting Jungle Trail; Protection Plan Required 24
 (1) Jungle Trail Heritage..... 25
 (2) Application..... 25
 (3) Restrictions within Buffer Zone 25
 (4) Setbacks..... 25
 (5) Review Criteria for Multi-Slip Docks 25
 (C) Rules and Regulations 25
 (D) Guidelines to Be Prepared and Adopted by Resolution..... 26
 (1) Clear Cutting Prohibited; Exceptions 26
 (2) Exotic Vegetation 26
 (3) Drainage and Maintenance 26
 (4) Tree Protection and Removal 26
 (E) Variances..... 26

161.08 SPECIAL STATE ROAD A-I-A SETBACK 26

(A) Setback Requirement/Service Road..... 26
 (B) Alternative to Section (A) Above..... 26

161.09 OTHER HISTORIC PROPERTIES 26

161.10 WATER AND SEWAGE 26

161.11 STRUCTURES IN UTILITY EASEMENTS 26

161.12 HOME OCCUPATIONS 26

(A) Number of Persons Engaged 27
 (B) Incidental Character and Restrictions 27
 (C) Usage..... 27

(D) Required Business Tax Receipt.....27

(E) Permit Application.....27

161.13 SWIMMING POOLS: LOCATION AND SCREENING 27

(A) No Pools in Minimum Front Yard Setback.....27

(B) Criteria for Pool Location in Other Portions of Front Yard27

(C) Application, Notice and Site Plan27

 (1) Notice.....27

 (2) Site Plan Requirements27

161.14 BUILDING AND SETBACK REQUIREMENTS FOR SCREEN ENCLOSURES AND SWIMMING POOLS..... 27

(A) Definition of Screen Enclosure27

(B) Districts where Permitted.....28

(C) Side and Rear Setbacks28

161.15 SETBACK AND ELEVATION OF SWIMMING POOLS ON RESIDENTIAL LOTS ABUTTING INLAND WATERWAYS..... 28

(A) Applicability.....28

(B) Definition of Swimming Pool28

(C) Setback for Swimming Pool.....28

(D) Elevation of Pool or Related Fence, and Wall.....28

(E) Screen Enclosures.....28

161.16 REQUIRED HOA/CONDOMINIUM ASSOCIATION BUILDING PLAN APPROVAL 28

(A) Submittal of Proof of Review28

(B) Required Written Statement where Inapplicable28

(C) Town Assumes No Liability.....28

161.17 SITING OF COMMUNICATION TOWERS AND ANTENNAS 28

(A) Definitions.....28

(B) General Requirements29

 (1) Compliance with Applicable Federal Regulations29

 (2) Height of Tower29

 (3) Landscaping.....29

 (4) Type of Construction29

 (5) Development Criteria30

 (6) Illumination.....30

 (7) Collocation.....30

 (a) Monopole Towers30

 (b) Camouflaged Towers30

 (c) Within Electrical Substations30

 (d) Public Benefits30

 (e) Collocation On-Site.....30

 (f) Relocation Measurements; Violations.....30

 (8) Non-Interference30

 (9) Documentation30

 (10) Signs and Advertising30

 (11) Abandonment30

(C) Communication Towers and Communications Antennas in Zoning Districts of Town.....31

 (1) Location.....31

 (2) Placement on Utility Poles Prohibited.....31

 (3) Free Standing Towers31

(D) New Facilities.....31

(1) Site Plan Required; Design31

(2) Height Limitations31

(3) Structure Type31

(4) Restrictions on Non-Collocated Towers32

(E) Application.....32

(F) Use of Town Right of Way32

(G) Applicability.....32

161.18 ROOF ENCROACHMENTS INTO EASEMENTS AND SETBACKS32

(A) Setback Encroachment.....32

(B) Easement Encroachment32

161.19 SEA TURTLE PROTECTION.....32

(A) Definitions.....32

(B) Purpose.....33

(C) New Development.....33

(1) Minimize Artificial Light33

(2) Lighting Standards33

(3) General Standards for Coastal Construction34

(D) Existing Development, Including Publicly Owned Lighting.....34

(1) Beachfront Lighting Criteria34

(2) Required Timing of Lighting Modifications34

(3) Permanent and Temporary Lighting Modifications34

(E) Prohibition of Activities Disruptive to Sea Turtles34

(F) Standards for Beach Access Points35

(1) Permanent Sea Turtle Information Signs35

(G) Beach/Dune Preservation, Stabilization, or Restoration.....35

(H) Standards for Mechanical Beach Cleaning35

(I) Compliance Inspections35

(J) Enforcement and Penalty35

(K) Local Approvals Not Exclusive35

CHAPTER 162 OFF-STREET PARKING AND LOADING.....36

162.01 GENERAL REQUIREMENTS36

(A) Usage of Spaces36

(B) Building Addition.....36

(C) Non-Residential Parking Location.....36

(D) Residential Parking Location36

(E) Change of Parking Location36

(F) Common Parking Area36

(G) Shared Parking.....36

(H) Lighting.....36

(I) Handicapped Parking36

(J) Landscaping Requirements36

162.02 SPACE REQUIREMENTS.....36

Table 162.02 OFF-STREET PARKING REQUIREMENTS.....36

162.03 CONSTRUCTION AND MAINTENANCE37

(A) Access37

(B) Side Wall37

(C) Front Wall.....37

(D) Wheel Stops.....37
 (E) Drainage.....37
 (F) Surface.....37
 (G) Landscaping.....37
 (H) Planted Buffer Strip.....37

162.04 PARKING LOT DESIGN37

(A) A Ninety (90) Degree Pattern.....37
 (B) A Sixty (60) Degree Pattern.....37
 (C) A Forty-Five (45) Degree Pattern.....37

162.05 RESIDENTIAL GARAGES37

(A) Required.....37
 (B) Design Standards for Single-Family Unit Garages37

162.06 OFF-STREET LOADING AND UNLOADING38

(A) In General.....38
 (B) Number of Loading and Unloading Spaces38
 (C) Location of Loading and Unloading Spaces38

Table 162.06 (B) OFF-STREET LOADING AND UNLOADING38

CHAPTER 163 LANDSCAPING AND WALLS39

163.01 INTENT.....39

163.02 OPEN SPACE OR LANDSCAPED AREA39

(A) Landscape Plan.....39
 (B) Percentage.....39
 (C) Tree Requirements.....39

163.03 LANDSCAPING STANDARDS39

(A) Definitions.....39
 (B) Parking Lots.....39
 (C) Buffers.....39
 (D) Screening.....39
 (E) Maintenance.....40
 (F) Erosion.....40

163.04 PLANT MATERIAL STANDARDS40

(A) Quality40
 (B) Tree Size and Characteristics40
 (C) Palm and Species Mix.....40
 (D) Removal of Undesirable Trees.....40
 (E) Shrubs and Hedges.....40
 (F) Vines.....40
 (G) Ground Covers.....40
 (H) Lawn Grass.....40
 (I) Synthetic Plants.....41
 (J) Berm.....41

163.05 EXISTING TREES.....41

(A) Credits.....41

(B) Tree Protection.....41

163.06 LANDSCAPING FOR PARKING AREAS.....41

(A) Adjacent to Right-of-Way41

 (1) Landscaped Buffer41

 (2) Other Non-Vehicular Land.....41

 (3) Access Drives.....41

(B) Adjacent to Property Line41

 (1) Alley.....41

 (2) Existing Buffer41

(C) Interior Landscaping.....41

 (1) Landscaped Islands41

 (2) Trees.....41

 (3) Location.....42

 (4) Exceptions.....42

163.07 INTERSECTION VISIBILITY42

(A) Unobstructed Vision.....42

(B) Visibility Triangle.....42

 (1) Intersection with One Public R/W.....42

 (2) Intersection with Two or More Public R/W.....42

163.08 WATER CONSERVATION42

(A) Purpose.....42

(B) Site Plan.....42

(C) Water Retention and Run-Off42

 (1) Single-Family Detached Dwellings.....42

 (2) Site Plans.....42

(D) Sod Limitations and Other Xeriscape Requirements.....42

 (1) Sod Requirements42

 (2) Xeriscape.....42

 (3) Tree Placement.....43

 (4) Installation.....43

(E) Irrigation Systems.....43

 (1) Zones43

 (2) Special Zones43

 (3) Timers.....43

 (4) Sensors.....43

 (5) Overspray.....43

 (6) Backflow.....43

 (7) Protected Trees.....43

(F) Temporary Suspension of Landscaping Requirements43

 (1) Conditions of Temporary Suspension43

 (a) Freeze.....43

 (b) Drought43

 (c) Natural Disaster.....43

 (2) Surety Bond Required43

(G) Final Inspection.....43

163.09 FENCES, WALLS AND HEDGES43

(A) Residential Districts.....43

 (1) Rear Yard.....43

 (2) Side Yard.....44

 (3) Front Yard.....44

(4) Measuring Height.....44

(5) Fencing..... 44

(6) Construction and Maintenance.....44

(7) Surface Water Runoff44

(8) Walls along A1A.....44

(9) Buffer Between Single-Family and Multi-Family Districts44

(10) Design Review44

(11) Utility Easements44

(B) Nonresidential District Buffers.....44

(1) Screening Wall.....44

(2) Buffer Strip Alternative.....44

(C) Gateposts.....45

(D) Traffic Hazard.....45

163.10 LANDSCAPE PLAN REQUIRED 45

(A) Landscape Plan.....45

(B) Detailed Specification Sheet45

163.11 FINAL INSPECTION 45

CHAPTER 164 SIGNS 46

164.01 INTENT..... 46

164.02 ILLUMINATED SIGNS..... 46

164.03 PROJECTING SIGNS 46

164.04 ALARM DEVICE SIGNS 46

164.05 CONSTRUCTION SIGNS 46

164.06 REAL ESTATE SIGNS..... 46

(A) Size and Allowable Copy.....46

(B) Temporary Real Estate Signs46

164.07 SIGNS IN COMMERCIAL DISTRICTS..... 47

(A) Design Review.....47

(B) Design Standards.....47

(C) Window Signs.....47

164.08 SIGNS ON RESIDENTIAL LOTS..... 47

(A) Residential District Signs.....47

(1) House Name Signs and Occupants’ Name Plates47

(2) Real Estate, Alarm and Construction Signs47

(3) Temporary Signs47

164.09 IDENTIFICATION SIGNS IN RESIDENTIAL DEVELOPMENTS 47

(A) Multi-Family Development and Subdivision Signs47

(B) Size and Height Restrictions47

(C) Size Calculations48

164.10 PUBLIC DISTRICTS 48

164.11 MAINTENANCE.....48

164.12 ABANDONED SIGNS.....48

(A) Timing of Removal.....48

(B) Executing Removal.....48

164.13 TIME LIMIT ON APPROVED APPLICATIONS.....48

164.14 TEMPORARY REAL ESTATE DEVELOPMENT SIGNS.....48

CHAPTER 165 FLOODPLAIN MANAGEMENT AND DAMAGE PREVENTION50

165.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES50

(A) Statutory Authorization.....50

(B) Findings of Fact.....50

(C) Statement of Purpose50

(D) Objectives.....50

165.02 DEFINITIONS50

165.03 GENERAL PROVISIONS53

(A) Applicability.....53

(B) Basis for Establishing the Areas of Special Flood Hazard.....53

(C) Establishment of Development Permit.....53

(D) Compliance.....53

(E) Abrogation and Greater Restrictions.....53

(F) Interpretation.....53

(G) Warning and Disclaimer of Liability53

(H) Penalties for Violation54

165.04 ADMINISTRATION54

(A) Designation of the Town Building Official54

(B) Permit Procedures.....54

(1) During Application Stage.....54

(2) During Construction Stage54

(C) Duties and Responsibilities of Town Building Official.....54

(D) Variance Procedures.....55

(1) Hearings on LDC Requirements55

(2) Hearings on Administrative Decisions.....55

(3) Appeals.....55

(4) Repair or Rehabilitation of Historic Structures55

(5) Criteria for Decisions55

(6) Establishing Permit Conditions56

(7) Impact on Flood Levels.....56

(8) Conditions for Variances.....56

165.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.....56

(A) General Standards.....56

(B) Specific Standards.....57

(1) Residential Construction57

(2) Non-Residential Construction57

(3) Elevated Buildings57

(4) Floodways57

(5) Coastal High Hazard Areas (V Zones).....58

(C) Standards for Streams without Established Flood Elevation and/or Floodways 59

(D) Standards for Subdivision Proposals..... 59

(E) Standards for Areas of Shallow Flooding (AO Zones) 59

165.06 PENALTY..... 59

CHAPTER 166 SUBDIVISIONS 60

166.01 PURPOSE..... 60

166.02 DEFINITIONS 60

166.03 COMPLIANCE REQUIRED 61

166.04 VIOLATIONS..... 61

166.05 PRELIMINARY PLAT PROCEDURES..... 61

(A) Submission..... 61

(1) Building Official 61

(2) Timing..... 61

(B) Processing..... 61

(1) Copies..... 61

(2) Staff Review..... 61

(3) Staff Report to Board..... 62

(4) Board Review..... 62

(C) Consideration by Council 62

(1) Board Report..... 62

(2) Review Criteria 62

(3) Waivers..... 62

(4) Public Hearings 62

(5) Council Action 62

(6) Effect of Approval..... 62

(D) Contents of Preliminary Plat Application..... 62

(1) Scale..... 62

(2) Contents..... 62

(3) Traffic Impact Study 63

166.06 FINAL PLAT PROCEDURES 63

(A) General Requirements..... 63

(B) Detail Requirements..... 63

(C) Submission..... 64

(D) Verify Conformity with Preliminary Plat 64

166.07 APPROVAL OF PLAT 65

166.08 LANDS PLATTED ALONG BODIES OF WATER 65

(A) Oceanfront Property..... 65

(B) Frontage on Indian River and Waters Thereof..... 65

(C) Exceptions..... 65

(D) Bulkhead Walls and Revetments 65

166.09 STREETS DESIGN STANDARDS 65

(A) Conformity to Comprehensive Plan..... 65

(B) Relation to Existing Street System 65

(C) Provision for Platting Adjoining Unplatted Areas 65

(D) Protection from Through Traffic 65

 (1) Residential Street Design 65

 (2) Marginal Accessway; Reverse Frontage Screening Adjacent to Arterials 65

(E) Subdivisions Adjacent to Arterial Rights-of-Way 65

(F) Reserve Strips..... 66

(G) Private Streets 66

(H) Half or Partial Streets..... 66

(I) Re-Subdivision..... 66

(J) Dead-End Streets..... 66

(K) Setback..... 66

(L) Bicycle and Pedestrian Way Impact Fee..... 66

166.10 BLOCK DESIGN STANDARDS..... 66

(A) Block Layout..... 66

(B) Block Length Restricted 66

(C) Accessways..... 66

166.11 LOT DESIGN STANDARDS..... 66

(A) LDC Compliance..... 66

(B) Alignment of Side Lot Line at Street Frontage 66

(C) Double Frontage and Reverse Frontage Lots..... 66

(D) Street Access; Street Frontage 66

166.12 CANALS AND WATERWAYS..... 67

166.13 PRIVATE RECREATION FACILITIES..... 67

166.14 IMPROVEMENTS..... 67

CHAPTER 167 ENVIRONMENTAL REGULATIONS 68

167.01 WETLANDS..... 68

(A) Purpose and Intent 68

(B) Definitions and Abbreviations 68

(C) Unified Statewide Methodology for Wetland Delineation..... 70

 (1) Wetland Delineation Determination 70

 (2) Town Review and Administration 70

 (a) Investigation and Wetland Boundary Determinations 71

 (b) Wetland Management Determinations and Development Stipulations 71

 (i) Technical Report and Coordination with Agencies Having Jurisdiction 71

 (ii) Conditions and Limitations 71

 (iii) Disputes, Appeals and Reconciliation..... 71

(D) Wetlands Development Restricted and Buffer Required 71

 (1) Wetland Density Transfers 72

 (2) Character of Wetland Buffer; Conservation Easement..... 72

 (3) Exemptions..... 72

(E) Development Restrictions in Submerged Lands 72

 (1) Filling Prohibited..... 72

 (2) Permitted Structures 72

(F) Town Review of Development Plans 72

(G) Procedure for Evaluating Permit Applications..... 73

(H) Criteria Applied in Determining “No Net Adverse Impacts” 73

 (1) Condition..... 73

(2) Hydrologic Connection 73

(3) Location and Uniqueness 73

(4) Fish and Wildlife Utilization 73

(5) Water Quantity Impacts on Established Hydroperiod 73

(6) Public Interest Considerations 74

(7) Evaluate Impacts to Quality of Receiving Waters 74

(8) Assess Secondary Impacts to Water Resources 74

(9) Consider Cumulative Impacts 74

(I) Uniform Mitigation Methodology..... 74

(1) Wetland Mitigation Assessment..... 74

(2) Use of Experts for Wetland Assessment 74

(3) Review of Wetland Mitigation Assessment 75

(4) Reconciliation and Consistency with State Agency Wetland Mitigation Requirements 75

(5) Monitoring Requirements for Mitigation Areas 75

(J) Permitted Uses in Wetlands 75

(K) Conditional Uses 75

(1) Traffic Generation and Access 76

(2) Off-Street Parking, Loading and Service Areas 76

(3) Required Yards, Screening or Buffering and Landscaping 76

(4) Architecture and Signage 76

(5) Size, Location or Number of Conditional Uses 76

(6) Factors Impacting Scale and Intensity of Conditional Uses 76

(7) Avoid Adverse Impacts to Adjacent Land Uses 76

(8) Compatibility 76

(9) Outdoor Lighting Spill-Over Regulated 76

167.02 TREE PROTECTION..... 76

(A) Purpose..... 76

(B) Definitions 76

(C) General Prohibitions..... 78

(D) Exemptions..... 78

(1) Limited Pruning (excluding Mangroves) 78

(2) Restricted Landscape Maintenance 79

(3) Work by Utility Service 79

(4) Minor Alteration to Preserve Existing Access 79

(5) Damaged Trees..... 79

(E) Permits..... 79

(1) Tree Removal Permit 79

(2) Land Clearing Permit 79

(3) Mangrove Alteration Permit..... 79

(F) Criteria for Issuing Permits 79

(1) Retaining Native Plant Materials 79

(2) Tree Removal Permit Criteria 79

(3) Mangrove Alteration Permit..... 80

(4) Replanting and Hedging Program 80

(5) Land Clearing Permit 81

(G) Approval or Denial of Permit 81

(1) LDC Compliance Prior to Issuance of Permit 81

(a) Ability to Reasonably Shift Location of Proposed Improvements 81

(b) Ability to Reasonable Modify Design Concept..... 81

(c) Land Clearing or Removal Generates Substantial Adverse Impact 81

(2) Permit Denial..... 81

(3) Visible Permit Maintained on Site..... 81

(H) Replacement or Relocation of Trees 81

(1) Characteristics of Replacement Trees 81

(2) Size of Replacement Trees 81

(3) Tree Species..... 82

(4) Minimum Standards for Replacement Trees 82

(5) Transplanting and Maintenance Requirements 82

(6) Waivers of Replacement Tree Specifications..... 82

(I) Information Required for Application 82

(J) Inspection..... 82

(K) Period of Review..... 82

(L) Permit Expiration..... 83

(M) Tree Trimming..... 83

(N) Dune and Shoreline Vegetation Protection 83

(O) Protected Areas for Trees 83

 (1) Determination of Protected Area..... 83

 (2) Protective Barriers..... 83

 (3) Use of Machinery 83

 (4) Murrings..... 83

(P) Administration and Enforcement 83

 (1) Local Permit Not Exclusive 83

 (2) Variances and Appeals..... 83

(Q) Remedy..... 84

(R) Penalty..... 84

167.03 COASTAL PROTECTION 84

(A) Dune Protection..... 84

 (1) Construction Seaward of Coastal Construction Control Line 84

 (2) Dune Vegetation..... 84

 (3) Restriction on Structures 84

 (4) Vehicles..... 84

 (5) Dune Leeway Zone 84

 (6) Required Dune Crossovers..... 85

 (7) Construction Specifications for Dune Crossovers..... 85

 (8) Walkways..... 85

 (9) Illegal Walkways..... 85

(B) Lighting for Sea Turtle Protection..... 85

167.04 ESTUARINE WETLANDS BUFFER REQUIREMENT 85

(A) Width..... 86

(B) Access 86

(C) Plant Materials..... 86

(D) Upland Berm..... 86

167.05 OTHER ESTUARINE SHORELINE 86

(A) Shoreline Alteration..... 86

 (1) Avoid Adverse Impacts..... 86

 (2) Necessity..... 86

 (3) Other Environmental Impacts 86

 (4) Setback from Mean High Water..... 86

 (5) Shoreline Stabilization Methods and Priorities 86

(B) Shoreline Use and Access 86

 (1) Use..... 86

 (2) Access..... 86

(C) Dock Facilities..... 86

167.06 PUBLIC HAZARDS ON ENVIRONMENTALLY SENSITIVE LANDS 87

167.07 EROSION AND DUST 87

167.08 LAKE AND WET DETENTION PONDS: LITTORAL ZONES 87

(A) Littoral Zone..... 87

(B) Surface Water Management Plan..... 87

167.09 STORMWATER MANAGEMENT..... 87

(A) Prohibition on Depositing Non-Stormwater Run-Off into Storm Conveyance Systems 87

(B) Required Submittal of On-Site Stormwater Management Plan 87

(C) On-Site Stormwater Management Plan Requirements..... 87

(1) Developments of Less than 2,500 Square Feet..... 87

(2) Developments of 2,500 Square Feet or More 88

(D) Design Criteria..... 89

(1) Design Frequency 89

(2) Design Flows 89

(3) Minimum Culvert Size 90

(a) Pipe Size Increment 90

(b) Pipe Length..... 90

(c) Minimum Physical Slope..... 90

(d) Maximum Velocity 90

(e) Design Tailwater..... 90

(4) Material Specifications for All Culverts..... 91

Table 167.09 (C) CRITERIA FOR ON-SITE STORMWATER MANAGEMENT 88

Table 167.09 (D)-1 Stormwater Management System Component Design Storm Frequencies and Freeboard Requirements..... 89

Table 167.09 (D)-2 Minimum Culvert Size..... 90

Table 167.09 (D)-3 Maximum Pipe Length Criteria..... 90

CHAPTER 168 DEVELOPMENT REVIEW PROCEDURES..... 92

168.01 DEVELOPMENT PERMITS 92

(A) Types of Development Permits..... 92

(B) Planning, Zoning and Variance Board..... 92

168.02 CONCURRENCY MANAGEMENT SYSTEM (CMS)..... 92

168.02.1 PURPOSE AND INTENT 92

168.02.2 CONSISTENCY WITH TOWN COMPREHENSIVE PLAN..... 92

168.02.3 DEFINITION OF CONCURRENCY MANAGEMENT TERMS 93

168.02.4 GENERAL PROCEDURES AND LEVEL OF SERVICE STANDARDS 94

(A) General CMS Procedures Purpose and Intent 94

(B) Level of Service Standards..... 94

(1) Streets..... 94

(2) Sanitary Sewers 94

(3) Solid Waste..... 94

(4) Drainage..... 94

(5) Potable Water 94

(6) Recreation..... 95

(7) Public School Facilities Countywide Standards..... 95

(a) Weighted Average..... 95

(b) Elementary School.....95

(c) Middle School.....95

(d) High School.....95

(e) School Concurrency Service Area.....95

Table 168.02.4 (B) (6) RECREATION FACILITY STANDARDS.....95

168.02.5 APPLICABILITY, EXEMPTIONS AND REVIEW PROCEDURES.....95

(A) Applicability of Concurrency Determinations.....95

(B) Exempt Property.....95

(C) Review Procedures and Fees.....96

(1) Demand and Supply Analysis.....96

(2) Conditional Concurrency Determination.....96

(3) Final Concurrency Determination.....96

(a) Final Concurrency Must Occur Prior to the Release of a Building Permit.....97

(b) Final Concurrency Determinations for Single-Family Dwellings.....97

(c) Final Concurrency Determinations for Proposed Subdivision Plats or Replats.....97

(4) Approved Concurrency Determinations.....97

168.02.6 MEASUREMENT LEVELS OF SERVICE.....97

(A) Water and Wastewater.....97

(B) Roadways.....100

(C) Solid Waste.....100

(D) Drainage.....100

(E) Recreation.....101

(F) Public School Facilities.....101

Table 168.02.6 (A)-1 POTABLE WATER DESIGN FLOWS.....97

Table 168.02.6 (A)-2 SANITARY SEWER DESIGN FLOWS.....99

Table 168.02.6 (C) SOLID WASTE GENERATION RATES.....100

168.02.7 AVAILABLE CAPACITY DETERMINATION.....101

(A) General Formula.....101

(B) Burden of Showing Compliance on Applicant.....101

(C) Concurrency Monitoring System.....101

(D) Concurrency Rights Reservation and Effective Period.....101

(1) Timing of Capacity Reservations101

(2) Effective Period.....101

168.02.8 CRITERIA FOR CONCURRENCY AND FINAL DEVELOPMENT ORDERS102

(A) Solid Waste and Drainage102

(B) Parks and Recreation.....102

(C) Sanitary Sewer and Potable Water Services.....102

(D) Transportation Facilities.....102

(1) Requisite Conditions to Achieve Concurrency103

(2) Exceptions.....103

(E) Public School Facilities.....103

(1) School Facility Capacity103

(2) School 25 Facility Demand; School Concurrency Exemptions104

(a) All legal, single-family lots of record on July 1, 2008104

(b) Valid Residential Developments Approved Prior to July 1, 2008.....104

(c) Amendments Not Increasing Number of DUs, Size or Type104

- (d) Certain Age Restricted Communities 104
 - (e) School District to Issue Exemption Determination 104
 - (f) School District Procedure for Calculating Demand 104
 - (3) Formula for Determining Available Public School Facility Capacity..... 104
 - (4) Public School Facilities Concurrency Test..... 105
 - (F) Concurrency Determination Assignability and Transferability..... 105
 - (1) Concurrency Approval Runs with Land..... 105
 - (2) Application for Assignability and Transferability 105
 - (3) Burdens on Transferee Applicant..... 105
 - (4) Suspension of Concurrency Approval..... 105
 - (5) Time Constraints Unaffected 105
 - (6) Not Assignable or Transferable to Other Developments..... 105

- 168.03 PROPORTIONATE FAIR-SHARE OPTIONS TO MITIGATE DEFICIT TRANSPORTATION FACILITIES AND PUBLIC SCHOOL FACILITIES..... 105**
- 168.03.1 PROPORTIONATE FAIR-SHARE OPTION TO MITIGATE DEFICIT TRANSPORTATION FACILITIES..... 105**
- (A) Purpose and Intent..... 105
- (B) Findings..... 105
- (C) Applicability..... 106
- (D) General Requirements..... 106
- (E) Application Process..... 106
- (F) Determining Proportionate Fair-Share Obligation..... 107
- (G) Impact Fee Credit for Proportionate Fair-Share Mitigation..... 108
- (H) Proportionate Fair-Share Agreements..... 108
- (I) Appropriation of Fair-Share Revenues..... 109
- 168.03.2 PROPORTIONATE FAIR-SHARE MITIGATION FOR PUBLIC SCHOOL FACILITIES..... 109**
- 168.04 SITE PLANS..... 109**
- (A) Site Plan Required..... 109
- (1) Preliminary Site Plans 109
- (2) Components of a Preliminary Site Plan 109
 - (a) Existing Natural Features 109
 - (b) Structures 109
 - (c) Landscaping 109
 - (d) Vehicular Use Area 109
 - (e) Stormwater Management Plan and Utilities..... 109
 - (f) Tabular Summary..... 110
 - (g) Erosion and Sediment Control Plan 110
- (3) Review and Approval of Preliminary Site Plans Advisory 110
- (B) Application Information..... 110
- (1) Filing..... 110
- (2) Attachments..... 110
 - (a) Disclosure of Ownership..... 110
 - (b) Fee..... 110
- (3) Data to be Shown on Site Plan 110
 - (a) Elevations..... 110
 - (b) Architectural Plans 110
 - (c) Accessory Structures..... 110
 - (d) Vehicle Use Areas..... 110
 - (e) Walkways..... 110
 - (f) Signs..... 110
 - (g) Landscaping..... 110
 - (h) Adjacent vehicular use areas 111

- (i) Walls..... 111
- (j) Stormwater Management..... 111
- (k) Easements..... 111
- (l) Survey..... 111
- (m) Seal..... 111
- (n) Plat..... 111
- (o) Utilities..... 111
- (p) Lighting..... 111
- (q) Erosion and Sediment Control Plan..... 111
- (4) A1A Frontage Requirements..... 111
- (C) Review by Planning, Zoning and Variance Board 111
 - (1) Staff Report..... 111
 - (2) Board Action..... 111
- (D) Town Council Review 111
 - (1) Board Approval..... 111
 - (2) Board Disapproval 111
 - (3) Site Plan Approval before Building Permit Granted 112
- (E) Minor Modification of Approved Site Plan 112
 - (1) Building Details 112
 - (2) Parking Lots..... 112
 - (3) Building Additions 112
 - (4) Infrastructure..... 112
 - (5) Landscaping..... 112
- (F) Approval Period..... 112
 - (1) Commencement of Construction..... 112
 - (2) Extensions of Site Plan Approval..... 112
 - (3) Abandonment of Construction 112
 - (4) Site Plan Requirement and Schedule of Phasing; Lapses..... 112
 - (5) Transfer of Site Plan Approval to Run With Land 113
- (G) Posting of Bonds..... 113
 - (1) Improvement or Public Facility Bond 113
 - (2) Site Restoration Bond 113
- (H) Violations..... 113
- (I) Site Plan Review Criteria 113
 - (1) Appearance of Site and Structures 113
 - (a) Urban Design 114
 - (b) Colors..... 114
 - (c) Mechanical Equipment..... 114
 - (d) Dumpsters 114
 - (e) Outdoor Uses..... 114
 - (f) Lighting..... 114
 - (2) Traffic Impact, Driveways and Parking Areas 114
 - (a) Traffic Impact 114
 - (b) Parking Lots 114
 - (c) Channelization 114
 - (d) Minor Street Access 114
 - (3) Landscaping..... 114
 - (4) Infrastructure..... 114
 - (5) On-Site Drainage..... 115
 - (a) Plans..... 115
 - (b) Detention..... 115
 - (6) Environmental Assessment 115
 - (7) Natural Drainage 115
 - (8) Shoreline Use Criteria 115
 - (9) Hurricanes..... 115

168.05 EROSION AND SEDIMENT CONTROL AND SITE RESTORATION 115

(A) Bond or Secured Obligation..... 115

 (1) Submittal of Required Secured Obligation/Bond 115

 (2) Exemptions..... 115

 (3) License Requirement 115

 (4) Performance Guarantee, Abandonment and Expiration 115

(B) Permit Inspections and Documentation 115

 (1) Erosion Control Requirements/Inspections to Commence Prior to Land Clearing 115

 (2) Permit Documentation 116

 (3) Permits for Tree Removal and Land Clearing..... 116

(C) Failure to Restore Site..... 116

(D) Town Construction of Abandoned Structures 116

(E) Project Amenities..... 116

(F) Procedural Steps..... 116

 (1) Notice of Violation and Hearing 117

 (2) Additional Remedies 117

168.06 CONDITIONAL USE..... 117

168.07 LAND DEVELOPMENT CODE AMENDMENT..... 117

(A) Zoning Map Amendment 117

 (1) Application..... 117

 (2) Fee..... 117

 (3) Sketch Plan..... 117

 (4) Planning, Zoning and Variance Board Public Hearing 117

 (5) Town Council Public Hearing 117

(B) Text Amendment..... 117

168.08 COMPREHENSIVE PLAN 117

168.09 VARIANCE AND ADMINISTRATIVE APPEAL..... 118

(A) Variance 118

 (1) The Planning, Zoning and Variance Board 118

 (2) Criteria..... 118

 (a) Special Conditions 118

 (b) Unique..... 118

 (c) Hardship 118

 (d) Self-Created 118

 (e) Minimum Variance 118

 (f) Adjacent Property..... 118

 (g) Use Variance 118

(B) Administrative Appeal and Re-Submittal 118

 (1) Appeal..... 118

 (2) Re-Submittals After Denial 118

168.10 NONCONFORMING USES AND LOTS 118

(A) Elimination of Nonconforming Uses 119

(B) Expansion or Discontinuance of Nonconforming Use..... 119

(C) Effect of Enactment of Code..... 119

(D) Restoration of Damaged Buildings 119

(E) Repairs and Maintenance 119

(F) Nonconforming Lots..... 119

168.11 QUASI-JUDICIAL PROCEDURES 119

(A) Quasi-Judicial Hearings on Land Use Matters..... 119

(B) Procedures..... 120

 (1) Rule Relating to Nonparty and Nonparty-Interveners..... 120

 (2) Rule Relating to Party and Party-Interveners 120

 (3) Ex Parte Communication Prohibitions 120

 (4) Presentations at Quasi-Judicial Hearing 120

 (5) Extension of Time 120

(C) Record of Quasi-Judicial Hearing..... 120

(D) Basis for Decisions 121

CHAPTER 169 DEFINITIONS..... 122

169.01 DEFINITIONS..... 122