

UNIFIED LAND DEVELOPMENT REGULATIONS

Town of Pierson, Florida



Prepared by
Town of Pierson of Pierson Planning Commission & Staff
With assistance from
Volusia Council of Governments

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ARTICLE I - GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Unified Land Development Regulations of the Town of Pierson".

SECTION 1.2 AUTHORITY

This Ordinance is enacted pursuant to the requirements and authority of Section 163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Act), the Charter of the Town of Pierson, and the general powers in Chapter 166, Florida Statutes.

SECTION 1.3 APPLICABILITY

1.3.1 General Applicability.

Except as specifically provided below, the provisions of this Ordinance shall apply throughout the corporate limits of the Town of Pierson, and no land use or development activity shall be undertaken without prior authorization pursuant to this Ordinance.

1.3.2 Exceptions

A. Previously Issued Development Permits.

The provisions of this Ordinance and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

1. The development activity authorized by the development permit has been commenced prior to the effective date of this Ordinance or any amendment thereto, or will be commenced after the effective date of this Ordinance but within six (6) months of issuance of the development permit; and
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Ordinance or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this Ordinance or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development order was issued. If the development order expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Ordinance or amendment thereto.

C. Consistency with Comprehensive Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the Town's Comprehensive Plan.

SECTION 1.4 PURPOSE AND INTENT

1.4.1 General Intent

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the Town.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious,

orderly, aesthetically pleasing and socially beneficial development of the Town in accordance with the Comprehensive Plan.

C. To adopt a development review process that is:

1. Efficient, in terms of time and expense;
2. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and
3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the Town.

D. To implement the Town's Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act".

E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

1.4.2 Specific Intent Relating to the Various Subject Areas of This Ordinance

The provisions of this Ordinance dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the Town Council:

A. Administration and Enforcement

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Ordinance, the Town's Comprehensive Plan, and other applicable Town regulations.
2. To promote efficiency, predictability, and citizen participation.
3. To assure compliance with approved development orders and the provisions of this Ordinance through rigorous but fair enforcement actions.

B. Signs

1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.
2. To permit signs that are:
 - a. Compatible with their surroundings.
 - b. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
 - c. Appropriate to the type of activity to which they pertain.
 - d. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property and small enough to satisfy the needs for regulation.
 - e. Reflective of the identity and creativity of individual occupants.
3. To promote the economic health of the community through increased employment and property values.

C. Landscaping and Tree Protection

1. To enhance the attractiveness of the community.
2. To conserve energy through the cooling and shading effects of trees.
3. To abate nuisances such as noise, glare, heat, air pollution and stormwater run-off.
4. To mitigate conflicts between adjoining land uses.
5. To preserve the environmental and ecological benefits of existing native trees and vegetation.
6. To promote safe and efficient use of off-street parking facilities and other vehicular use areas.
 - a. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;
 - b. Limiting physical site access to established points of ingress and egress; and
 - c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.
7. To preserve the community's irreplaceable natural heritage for existing and future generations.

D. Parking and Loading

To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principles.

E. Stormwater Management

1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.
2. To prevent activities which adversely affect ground and surface waters.
3. To encourage the construction of stormwater management systems that aesthetically and functionally approximates natural systems.
4. To protect natural drainage systems.
5. To minimize run-off pollution of ground and surface waters.
6. To maintain and restore groundwater levels.
7. To minimize erosion and sedimentation.
8. To prevent damage to wetlands.
9. To protect, maintain, and restore the habitat of fish and wildlife.

F. Floodplain Protection

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense.
4. To minimize prolonged business interruptions and damage to public facilities and utilities caused by flooding.
5. To maintain a stable tax base by providing for the sound use and development of flood-prone

areas.

6. To insure that potential purchasers of subdivided land are notified that the property is in a flood-prone area.
7. To assure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.
8. To preserve natural floodplains, stream channels, and natural protective barriers to accommodate flood waters.
9. To limit filling, grading, dredging and other development which may increase erosion, sedimentation, or flood damage.
10. To prevent unnatural diversion of flood water to lands that are normally flood free.
11. To maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water quality, and the natural hydrological and ecological functions of wetlands and other flood-prone lands.
12. To avoid the need of costly and environmentally disruptive flood management structures.
13. To encourage the use of flood-prone lands as open space.
14. To make the Town eligible for participation in the National Flood Insurance Program.

G. Protection of Environmentally Sensitive Lands

1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.
2. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.
3. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.
4. To maintain recharge for groundwater aquifers.
5. To prohibit certain uses that are detrimental to environmentally sensitive areas.
6. To protect the recreation opportunities of environmentally sensitive lands for fishing, boating, nature observation, photography, and other uses.
7. To protect aesthetic and property values.

H. Protection of Cultural Resource

1. To identify, protect, and enhance sites, buildings, structures, objects, and areas that are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which provide this and future generations examples of the physical surroundings in which past generations lived.
2. To enhance property values, stabilize older neighborhoods and business centers, and increase the economic benefits to the Town arising out of its cultural resources.
3. To preserve and enhance the varied architectural styles that reflect the cultural, social, economic, political and architectural history of the Town.
4. To enrich human life in its educational and cultural dimensions by fostering knowledge of the community's heritage.

SECTION 1.5 LEGAL STATUS

1.5.1 Repeal of Prior Provisions

All ordinances or parts of ordinances which are in conflict herewith are hereby repealed.

1.5.2 Abrogation

This Ordinance is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Volusia County.

1.5.3 Conflict with Other Ordinances

Should the requirements of this Ordinance conflict with those of any other requirements of the Town, the more stringent shall prevail.

1.5.4 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Ordinance shall continue in full force and effect.

1.5.5 Compliance with State's Minimum Standards

Nothing in this Ordinance shall serve or be construed as a waiver of substantial compliance with the State's minimum standards and requirements for design and construction of public streets and roads, as more fully described in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, prepared by the Florida Department of Transportation as originally adopted or as subsequently amended.

1.5.6 Effective Date

This Ordinance shall become effective immediately upon its adoption.

ARTICLE II - RULES OF INTERPRETATION AND DEFINITIONS

SECTION 2.1 RULES OF INTERPRETATION

2.1.1 Generally

In the interpretation and application of these regulations all provisions shall be liberally construed in favor of the objectives and purposes of the Town and deemed neither to limit nor repeal any other powers granted under state statutes.

2.1.2 Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of these regulations, the Development Regulations Administrator shall be responsible for interpretation and shall look to the Town's Comprehensive Plan for guidance. Responsibility for interpretation by the Development Regulations Administrator shall be limited to standards, regulations and requirements of these regulations, but shall not be construed to include interpretation of any technical codes adopted by reference in these regulations, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of these regulations.

2.1.3 Computation of Time

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

2.1.4 Delegation of Authority

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

2.1.5 Gender

Words signifying the masculine gender shall be construed to include the feminine and neuter.

2.1.6 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

2.1.7 Shall, May

The word "shall" is mandatory; "may" is permissive.

2.1.8 Written or in Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

2.1.9 Year

The word "year" shall mean a calendar year, unless otherwise indicated.

2.1.10 Day

The word "day" shall mean a calendar day, unless a working day is indicated.

2.1.11 Zoning District Boundaries

The rules set forth in Section 5.2.2 shall be used to interpret the exact location of the Zoning District boundaries reflected on the Official Zoning Map:

2.1.12 Relationship of Specific to General Provisions

More specific provisions of these regulations shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

2.1.13 Words not Defined

Webster's New Collegiate Dictionary (G. & C. Merriam Co. 9th Ed. 1983) shall be used for the definition of any words not defined in these regulations.

SECTION 2.2 DEFINITIONS

AASHTO - American Association of State Highway and Transportation Officials.

Abandon - Any cessation of an existing use of land or of any structure thereon for a period greater than that specified by these regulations, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

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

Accessory Sign - A permanent ground or building sign that is permitted under these regulations as incidental to an existing or proposed use of land.

Accessory Use or Structure - Any use or structure, clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. The term shall include, but not be limited to, satellite dish antennae, windmills, solar energy equipment, detached garages and carports, above-grade swimming pools and utility sheds.

Adjacent to A Protected Environmentally Sensitive Area - Any location within five hundred (500) feet of the boundary of any Protected Environmentally Sensitive Area, whether the location is on or off the development site.

Adult Congregate Living Facilities - A premises in which the owners or operators are subject to licensing and approval by the Florida Department of Health and Rehabilitative Services, which is operated as a facility to provide room and board and one or more personal services to unrelated adults, as authorized under Chapter 400, Florida Statutes, and Chapter 10A-5, et seq. Florida Administrative Code.

Adverse Effects - Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

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

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

Alley - A right-of-way providing a secondary means of access and services to abutting property.

Alteration - Any changes in structural parts; type of construction; kind or class of occupancy. The word alteration shall include the words alter, or reconstruct.

Altered Wetland - Wetlands which have been substantially affected by man, but which continue to be dominated by wetland or transitional vegetation.

Animals - Includes, but is not limited to, both household pets and farm animals.

Aquifer - An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield usable quantities of water.

Artificial Drainage System - Any canal, ditch, culvert, dike, storm sewer or other man-made facility which tends to control the surface flow of water.

As-built plans - Revised construction plans reflecting the public improvements as they were actually constructed and as they actually exist in the subdivision.

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

Automobile Dismantling and Salvage Yard - (See "Motor Vehicle Dismantling and Salvage Yard".)

Automobile Sales Lot or Area - An outdoor area, other than a public right-of-way used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.

Automobile Service Station -

Type A: Any premises used for the servicing of motor vehicles, including engine tune-ups and repair, wheel balancing, alignment, brake service; the retail sale of fuel, lubricants, and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products; the sale of refreshments; but excluding the rebuilding or reconditioning of engines, and body repair.

Type B: In addition to Type A uses, any repair, rebuilding or reconditioning of any motor vehicle.

Type C: Any premises used or designed to be used for the sale of gasoline in conjunction with another principal retail use.

Bar - A premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall be considered synonymous with the words, "saloon", "tavern", "pub", "barroom", "cocktail lounge", and "cabaret".

Basement - That portion of a building having its floor below ground level on all sides.

Bed and Breakfast Homestay - A single-family residential dwelling unit, personally and physically operated and occupied by the owner or manager, in which not more than three overnight sleeping rooms and only breakfast are provided to transient guests, in return for payment. The provision of these guest services is incidental and subordinate to the use of the premises as a single family dwelling unit.¹

¹As amended by Ordinance 96-1 on February 13, 1996.

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Bed and Breakfast Inn - A commercially licensed business operated in a building which is used primarily for providing overnight accommodations to the public even though the owner may live on the premises. The number of guest rooms in a B&B Inn ranges from a minimum of four to a maximum of twenty. Breakfast is the only meal served and is included in the charge for the room. The business is licensed, is an entity that is salable to a new owner, and is subject to all local, state and federal regulations.²

Beneficial Functions of a Protected Environmentally Sensitive Area - Those functions, described in the Coastal Management/Conservation Element of the Comprehensive Plan, that justify designating an area as environmentally sensitive.

Best Management Practices (BMP) - Management practices as found in "Silviculture Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry.

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, shorelines of waterways, or other definite barriers.

Board of Adjustments - The Board established in Article III of these regulations.

Boarding House - A premises other than a hotel, restaurant, or congregate living facility where meals and lodging are furnished for compensation to five or more persons unrelated to the owner of the premises by marriage, birth or legal adoption.

Boathouse - An accessory structure designed solely for the protection or storage of watercraft.

Bond - Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Town Council. All bonds shall be approved by the Town Council upon advice of the Town Attorney whenever a bond is required by these regulations. The surety company executing the bond shall be listed by the U.S. Treasury Department as being approved for writing bonds for federal projects on its current list in an amount not less than the amount of the bond tendered to the Town of Pierson.

Boulevard - A street in which a landscaped median may be included within the right-of-way to separate opposing traffic lanes.

Boundary Survey - a survey, the primary purpose of which includes, but is not limited to, the determining of the perimeters of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purpose of describing, locating of fixed improvements, or platting or dividing the parcel. Such survey shall be certified by the registered surveyor in charge as meeting the Minimum Technical Standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes. In addition to any other features required by the Minimum Technical Standards, the boundary survey shall show the boundaries of the parcel, section lines, location of all existing streets, buildings, bulkhead lines, coastal construction control line, easements, and foundations and structures either on or adjacent to the parcel.

Buffer - Upland areas adjacent to wetlands which are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory and groundcover which consists of preserved existing vegetation or planted native species.

Building - Any relatively permanent, immobile structure with an impervious roof built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof".

Building, Accessory - Any building other than the principal building.

² As amended by Ordinance 96-1 on February 13, 1996.

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Building Area - That area within and bounded by the building lines established by required yards and setbacks.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. Any attached carport, shed, garage or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport or other structure which may be attached to the principal building by an open breezeway in excess of six (6) feet and/or enclosed on one (1) or both sides, including louvers, lattice or screening, shall cause the entire structure to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

Building Height - The vertical distance measured in feet from the finished grade, along the front of the structure, to the highest point of a roof, or if no roof, to the highest point of any structure.

Building Line - The line established by minimum yard requirements outside of which no principal structure may be erected.

Building Requirements - Lot and building requirements, as used in these regulations, do not imply reference to building requirements set forth in the Building Codes of the Town of Pierson.

Building Setback Line - That line parallel to and of the same configuration as the lot line, and which is located behind the front lot line, the minimum distance required by the front yard requirements of these regulations, in front of which no structure shall be permitted, erected, or placed, unless otherwise expressly permitted by Section 5.4 of these regulations. (See the definition of "yard").

Building Sign - A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Business Office, Family - Refer to Family Business Office.

Business Services - Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services, and including such businesses as real estate broker, insurance, accountants, financial institutions, or any similar use.

Cafeteria - A premises where a variety of foods and beverages are prepared in advance and then selected by customers from a buffet for consumption on the premises.

Caliper - The trunk diameter of a tree measured three (3) feet above the average ground level at the base of the tree. Provided however, if the tree forks above three and one-half (3-1/2) feet above ground level, it is measured below the swell resulting from a double stem.

Camper - (See "Travel Trailer".)

Campground - (See "Recreational Vehicle Park".)

Carwash Facility - A business which has as its principal use the washing, cleaning, and polishing of motor vehicles, and which may include the sale of gasoline to its customers as an accessory use.

Chief Building Official - The Chief Building Official of the Town of Pierson, Florida or his duly authorized representative.

Child Care Center - A premises where 5 or more children, other than members of the immediate family occupying the premises, are kept under supervision. The term "child care center" includes day nurseries, kindergartens, day-care services, day-care center, day-care agency, nursery school, play school, pre- school or any other terms indicating that children are under day-care control.

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Church - (See "House of Worship".)

Clearing - The removal of trees and brush from the land, not including the ordinary mowing of grass.

Clearing - The removal of any trees or brush from the land, but shall not include mowing or grubbing, except as provided in Article IX of these regulations.

Clinic, Medical or Dental - A premises where patients who are not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropodists, optometrists, dentists, or any similar professional licensed by the State of Florida. The term does not include a veterinarian clinic.

Club, Private - Non-profit associations and organizations of a fraternal, social, leisure or recreational character. Also, a building or premises primarily designed for the gathering of its membership for entertainment and pleasure to include facilities and services for providing entertainment, in addition to food and drink, for consumption of members and their invited guests.

Club, Night - A commercial premises where food, alcoholic beverages, or other refreshments may be obtained for consumption on the premises and where floor shows or other forms of entertainment may be provided for customers.

Code Enforcement Board - The Code Enforcement Board of the Town of Pierson, Florida.

Commercially Developed Parcel - A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commission - The Planning Commission of the Town of Pierson.

Common Open Space - A commonly owned area of land reserved primarily for the leisure or recreational use of the owners of a residential development.

Community Residential Home - a dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services, which provides a living environment of 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Any home of six or fewer residents which otherwise meets the definition of a community residential home shall be deemed a "family" and a non-commercial, residential use for the purpose of these regulations. Any home of six or fewer residents which otherwise meets the definition of a community residential home shall be allowed in single family or multi-family zoning districts without approval by the Town, provided such homes shall not be located within a radius of one-thousand (1,000) feet of another existing such home with six or fewer residents.

Comprehensive Plan - The long-range planning guide prepared and adopted by the Town of Pierson pursuant to the requirements of Chapter 163.3161, Fla. Stat., et seq., known as the Local Government Comprehensive Planning and Land Development Regulations Act (LGCPLDRA).

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

Construction, Start of - The duly-permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavation or removal shall be deemed to be the start of construction provided that work continues thereafter, uninterrupted for a period longer than thirty (30) days, until the new construction is completed. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premises required for building.

Convenience Store - A premises from which is offered for sale food, drugs, and sundries commonly used for the day-to-day living needs of the residents of the immediate neighborhood.

Copy, Sign - The linguistic or graphic content of a sign.

Crosswalk - That portion of the right-of-way within a roadway dedicated to, and intended primarily for pedestrian use.

Crown, Tree - The main mass of branching of a plant above the ground.

Cul-de-sac - A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

Cultural Resource - A site, object, structure, building or district listed on the Town's Survey of Cultural Resources or in the Historic Preservation Element of the Town Comprehensive Plan or on the local register of historic places.

DBH - Diameter at breast height. "Breast height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Demolition - The tearing down or razing of twenty-five (25) percent or more of a structure's external walls.

Density - The total number of dwellings per gross acre of usable land. For purposes of applying a specified density regulation a fractional part of an acre will permit that fractional part of the number of dwellings allowed for a full acre; calculations resulting in a fractional part of a dwelling shall be rounded up to the next whole number of dwellings whenever the fractional part of a dwelling is five-tenths (0.5) or greater. Usable land is that land which is clearly suitable for development, and not excluded from development by act of law or nature. Submerged lands and lands designated as "environmentally sensitive" by local, state or federal law shall not be considered usable land, and shall be excluded from density calculations.

Detention - The collection and storage of surface water for subsequent gradual discharge.

Deteriorated (tree) - Degenerated or damaged to the point where death of the tree is imminent or to the point where the tree poses a significant hazard.

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

Development or Development Activity - Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under these regulations.
5. Erection of a permanent sign unless expressly exempted by Subsection 5.4.13 of these regulations.
6. Alteration of a historic property for which authorization is required under these regulations.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

Development Plan - A graphic presentation or map drawn to approximate scale depicting a proposed method of land development or land subdivision. Also, the combination of documents and exhibits

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required in Article III. Concept Plans, Preliminary Development Plans, Final Development Plans, and Subdivision Plats are types of Development Plans. The term "Site Plan" is synonymous with Development Plan.

Developer - Any person engaged in developing or improving a project, a lot or group of lots for use, or occupancy, or sale.

Development Regulations Administrator - An employee of the Town designated by the Town Council to be responsible for administering these Unified Land Development Regulations.

Development Order - An order granting, denying, or granting with conditions an application for a building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of the Town having the effect of permitting the development, use or occupancy of land or structure. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order, and development permit. See sub-paragraphs below:

Preliminary Development Order - Any preliminary approval which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of these regulations preliminary development orders include Future Land Use Map amendments, Comprehensive Plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Final Development Order - The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of these regulations. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of these regulations the final development plan approval is the final development order.

Development Permit - For purposes of these regulations a development permit is that official Town document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Discharge or Discharge Point - The outflow of water from a project site, aquifer, drainage basin or facility.

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

Dock - A structure extending into a waterbody for use as a landing place for the loading or unloading of passengers or cargo, a promenade or to protect or form a harbor. The term shall include pier and wharf.

Dredging - Excavation by any means in water or wetland. It also means the excavation or creation of a water body which is, or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Drip Line - The outermost perimeter of the crown of a plant as projected vertically to the ground.

Driveway - An area of land which provides vehicular access from the street to the off-street parking space of a premise.

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Due Public Notice - As used in regard to the phrase "public hearing", due public notice shall have one of the meanings described as follows, depending on the context in which the term is used:

A. For public hearings before the Town Council:

1. Notice regarding comprehensive plan amendments (by ordinance) shall be in accordance with applicable provisions of ss. 163.3184 and 163.3187, F.S.
2. Notice regarding DRI approvals and amendments shall be in accordance with applicable provisions of s. 380.06, F.S.
3. Notice regarding any change in the actual zoning map designation of a parcel or parcels shall be in accordance with applicable provisions of s. 166.041; F.S., and a notice setting forth the date, time, place, and purpose of such hearing shall be mailed at least fifteen (15) days in advance of the hearing by the applicant to the last known address of the owners of contiguous property.
4. Notice regarding adoption of any other ordinances shall be in accordance with applicable provisions of ss. 166.041, F.S.
5. Notice regarding all other actions requiring a public hearing pursuant to the Town's Land development Regulations shall be by publication of a legal notice in a newspaper of General circulation at least seven (7) days prior to the public hearing. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard.

In addition, except where the action potentially affects all the properties with the same zoning map designation, a similar notice shall also be posted in a conspicuous place or places on or around the particular parcel or parcels involved in or directly affected by the action.

- B. For public hearings before the Planning Commission - Notice regarding any action shall be by publication of a legal notice in a newspaper of general circulation at least seven (7) days prior to the public hearing. The notice shall state the date, time, place, and purpose of the meeting and that interested persons will have an opportunity to be heard. In addition, except where the action potentially affects all the properties with the same zoning map designation, a similar notice shall also be posted in a conspicuous place or places on or around the particular parcel or parcels involved in or directly affected by the action.
- C. For public hearings before the Board of Adjustment - Notice regarding any action shall be by publication of a legal notice in a newspaper of general circulation at least seven (7) days prior to the public hearing. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard. In addition, similar notices setting forth the time, place, and purpose of such hearing shall be mailed at least fifteen (15) days in advance of the hearing by the applicant to the last known address of the owners of contiguous property and shall also be posted in a conspicuous place or places on or around such lots, parcels, or tracts of land as may be involved in or directly affected by the hearing.
- D. For any public hearing required by an application submitted to the Town of Pierson, the applicant shall be responsible for paying all costs of advertising. Where notice by mail is required, the applicant shall be responsible for mailing all required notices, and affidavit proof of

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the required mailing shall be presented at the hearing.³

Dwelling - A room or rooms in a building forming a separate and independent housekeeping establishment, designed to be occupied by one family, and containing sleeping facilities, sanitary facilities and one kitchen. The term "dwelling" shall not include hotels, motels, tourist courts or other buildings intended for short-term occupancy by transients. The term "dwelling unit" is synonymous.

Dwelling, Attached - A dwelling attached to another dwelling's foundation, wall or roof.

Dwelling, Detached - A dwelling entirely surrounded by open space and not attached to another dwelling's foundation, wall or roof.

Dwelling, Manufactured - A mobile home fabricated on or after June 15, 1976, in an off-site 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. The term "manufactured home" is synonymous.

Dwelling, Mobile Home - A single family dwelling fabricated in a manufacturing facility, having a width of more than eight feet and a length of more than forty feet, and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI

119.1 Mobile Home Design and Construction Standards.

Dwelling, Multiple Family - A residential structure containing three (3) or more dwelling units, including what is commonly known as an "apartment building". The term does not include "townhouses", "quadraplexes", "triplexes" and similar groupings of dwellings, each of which has primary ground floor access to the outside and which are attached to each other by common walls without openings.

Dwelling, Single Family - A "standard dwelling" or "manufactured building" as defined herein containing only one dwelling. The terms "mobile home" and "manufactured home" are not included.

Dwelling, Standard - A dwelling built on the site where it is to be occupied and constructed to the Standard Building Code as promulgated by the Southern Building Code Congress and as adopted by the Town Council of the Town of Pierson.

Dwelling, Two-Family - A building containing only 2 dwellings. The term "duplex" is synonymous.

Dwelling Unit - A room or rooms in a building forming a separate and independent housekeeping establishment, designed to be occupied by one family, and containing sleeping facilities, sanitary facilities and one kitchen. The term "dwelling" shall not include hotels, motels, tourist courts or other buildings intended for short-term occupancy by transients. The term "dwelling" is synonymous.

Easement - Any area dedicated for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Efficiency Unit - A dwelling consisting of not more than one room in addition to kitchen and bath. It is synonymous with studio unit.

Electric Sign - Any sign containing electric wiring.

Enclosed Storage Area - An area that is surrounded on all sides by a continuously connected fence or wall except where it is necessary to provide for pedestrian or vehicle openings.

Enforcement Official - The Development Regulations Administrator of the Town of Pierson or his duly authorized representative.

³ As amended by Ordinance 99-3, February 24, 1999.

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Engineer - A professional engineer currently registered under Chapter 471, Florida Statutes, as amended or hereafter amended.

Erect a Sign - To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erected - (See "Construction, Start of".)

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

Essential Utility Services - Publicly owned or regulated utility distribution systems for gas, water, sewer, telephone, television, radio or electricity of two hundred thirty (230) kilovolts or less including poles, wires, mains, drains, sewers, pipes, conduits, cable towers, and antennas seventy (70) feet or less in height, and other similar equipment and accessories which are necessary for furnishing of service by such public utilities, but not including electric power plants, substations, water tanks, gas transfer stations, and water and sewage treatment plants, buildings, lift stations and municipal water supply wells.

Existing - The average condition immediately before development or redevelopment commences.

Family - One or more persons living together, inter-related by marriage, birth or legal adoption, and occupying one dwelling. A family may also include up to four (4) unrelated persons living together as a single housekeeping unit occupying one dwelling unit. (See the definition of "Community Residential Home").

Family Business Office - A limited business operation consisting solely of an office for a business operation of the residence owner, or a bona fide residential lessee, who is actually residing in said residence at the time, for a business operation that is conducted elsewhere. The operations permitted to be conducted on the premises shall be limited solely to bookkeeping, telephone answering (or solicitation, subject to other ordinances of the Town), and a mailing address. There shall be no employees present other than the proprietor and his immediate family who reside on the premises. No outside advertising shall be permitted on the premises or elsewhere when such advertising shall reasonably be designed to attract customers to the residential premises. No stock-in-trade, parts or other materials used in the business may be kept, stored, sold, loaded or unloaded or otherwise transferred to or from the residential premises. No business equipment or vehicles may be used, stored or parked on the residential premises except as may be otherwise provided in these regulations. No goods or services may be dispensed from the residential premises.

Federal Manufactured Housing Construction and Safety Standard Codes - Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the federal Mobile Home Construction and Safety Standards), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Florida Department of Highway Safety and Motor Vehicles Bureau of Mobile Home Construction; all of which became effective for mobile/manufactured home construction on June 15, 1976.

Fern Packing House - A premises on which ferns and other ornamental horticultural products are received, washed, graded and packed for shipment.

Filling - The deposit or burial of materials, such as land clearing debris, soil, rock or other solid minerals, onto any land, water or wetlands. Does not include landfilling with garbage or other similar waste matter; landfilling.

Flea Markets - The retail sale of merchandise from individually rented spaces or temporary structures on a lot. The term is not intended to apply to similar activities by churches or other non-profit

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organizations, or to a homeowner's garage sale, if no more than two such garage sales are held in any twelve-month period.

Flood or Flooding - A temporary partial or complete inundation of normally dry land from the overflow of inland or tidal waters, or from the unusual and rapid accumulation of run-off or surface waters from any source.

Floodplain - Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of run-off of surface waters from rainfall.

Floodway - The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor Area - The sum of the gross horizontal areas of the several floors of a dwelling, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but excluding:

1. attic areas with a headroom of less than 7 feet;
2. unenclosed stairs or fire escape;
3. elevator structures;
4. cooling towers;
5. vehicle parking structures;
6. basement space not devoted to residential use;
7. porches, patios, breezeways, sun porches or other similar structural additions that are unenclosed or are enclosed with screening.

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

General Office - A premises on which the administrative, managerial or professional services of a business, professional person, government, etc. are carried out in a room, a series of rooms or in a building solely devoted to such use.

Golf Course - A relatively large premises designed and constructed to accommodate the sport of golf. The term is not intended to include independent driving ranges or miniature golf courses.

Grade - The slope of improvements, specified in percent (%), (feet per 100 feet expressed as a decimal). Also, the horizontal location of the ground surface.

Existing Grade - The natural grade of the land prior to alteration by the holder of a current grading, clearing, or building permit.

Rough Grade - The stage at which the grade approximately conforms to an approved building plan or subdivision requirement.

Finish Grade - The final grade of the site which conforms to an approved building plan or subdivision requirement.

Gross Density or Density - The total number of dwelling units divided by the total site area, less public right-of-way.

Gross Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to- ceiling height is less than six (6) feet.

Ground Sign - A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Groundwater - Water beneath the surface of the ground whether or not flowing through known or definite channels.

Harmful to Minors - with regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
2. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
3. taken as a whole, lacks serious literary, artistic, political, or scientific value.

The term "harmful to minors" shall also include any non-erotic word or picture when it:

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

Highest Adjacent Grade - The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Home Occupation - an occupation, licensed by the Town, conducted entirely within a residential dwelling unit, subject to the provisions of Section 5.6.6, Paragraph N.

Hospital - A premises with overnight facilities providing medical or surgical care for sick or injured persons.

Hospital, Animal - A premises with overnight facilities for the medical or surgical care of sick or injured animals.

Hotel/Motel - A premises in which sleeping accommodations are offered for rental primarily to transients. It is synonymous with motel, boatel, and tourist homes or cabins.

House of Worship - A premises used for worship and permitted customary accessory uses by an organization of religious believers.

Hydrograph - A graph of discharge versus time for a selected outfall period.

Hydrologic Cycle - The movement of water through the environment on, above or below the surface of the earth.

Hydroperiod - A measure of the time (usually in days per year) that water is at or above soil surface under normal hydrologic conditions.

Illuminated Sign - A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

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

Improvement - Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

----- Article II - Rules of Interpretation and Definitions -----

Improvement, Public, and/or Private - Is, but is not limited to, any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, bike path, pedestrian way, planting strip, off-street parking area, permanent reference monuments ("PRMs"), permanent control points ("PCPs"), or any other improvements required by the Town, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Industry - Any activity involving the manufacture, assembly, packaging, canning, bottling or processing of any item.

Isolated Wetlands - Wetlands that have no hydrological or vegetative connections with "waters of the State" as defined in Section 403.032(3), Florida Statutes.

Junk Yard - A premises where junk materials such as scrapped metal, rubber tires, appliances, construction materials and paper are bought, sold, exchanged, stored, baled, packaged, packed, disassembled or handled. It is synonymous with automobile wrecking yard and salvage yard operations.

Kennel - A premises where five or more domesticated house pets over six months of age are harbored, whether for profit or for personal use.

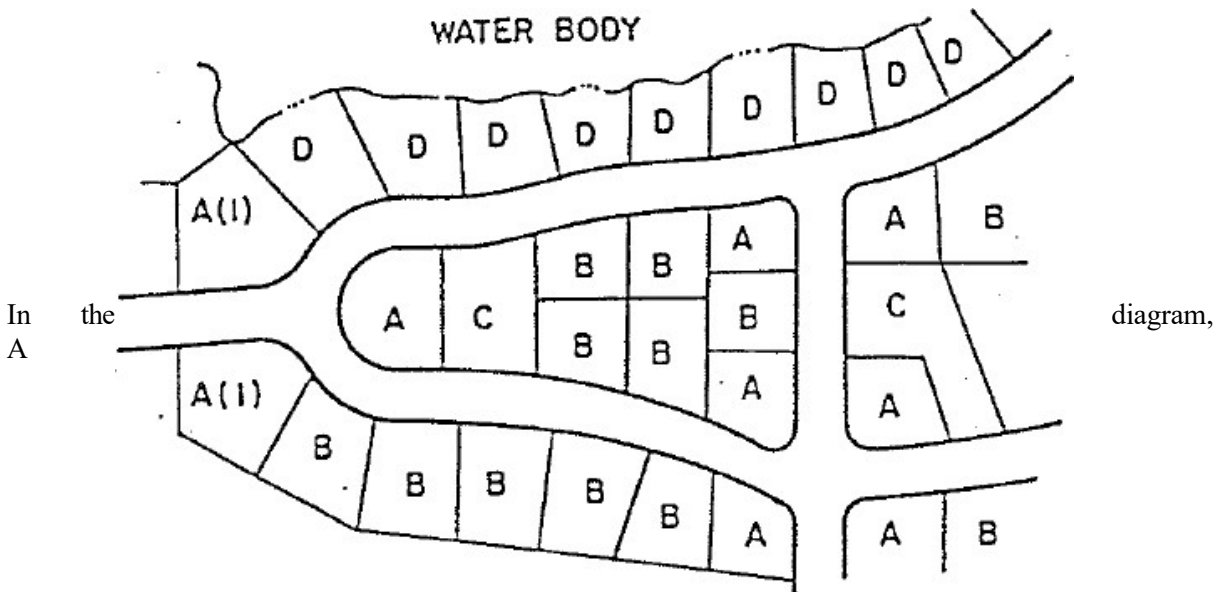
Land - Land is intended to refer to water, marsh or swamp as well as to the solid surface of the earth.

Lot - A piece, parcel, tract or plot of land occupied or intended to be occupied by one (1) principal building and its accessory buildings, and being of sufficient size to meet the minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces required by these regulations. Such lot shall have frontage on an improved public street, or an approved private street. Also, the least fractional part of subdivided lands having limited fixed boundaries, having an assigned number, letter, or other name by which it may be identified and which is intended as a unit for building development or transfer of ownership or both.

Lot Coverage - That area of a lot from the ground up, which is occupied by principal and accessory buildings.

Lot Classifications - Lots shall be classified as corner lots, interior lots, through lots, and atypical lots. The following diagram illustrates these lot types.

Figure II-1



designates corner lots. Corner lots are defined as lots located at the intersection of two or more streets.

----- *Town of Pierson Unified Land Development Regulations* -----

A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the front-most points of the side lot lines to the front-most point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A(1) in the diagram. B designates interior lots. Interior lots are defined as lots with only one frontage on a street. C designates through lots. Through lots are defined as lots other than corner lots with frontage on more than one street. Through lots abutting two streets may also be referred to as double-frontage lots. D designates atypical lots. Atypical lots are defined as lots within a subdivision where, as a result of subdivision design, the lots abut a street at one end and any of the following at the opposite end: (a) A waterway or body either of which are one hundred

(100) feet or more in width; (b) A golf course fairway or green; (c) An open space area which by itself, or when combined with other open space areas within the same subdivision comprises at least fifteen (15) percent of the total land area in said subdivision, and in which an undivided interest is conveyed with each lot.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Lines - The perimeter property lines around the lot or the space line of a rental space.

Lot Line, Front - The property line abutting any street right-of-way, or for arterial streets with less than sixty (60) feet of dedicated right-of-way, an imaginary line located thirty (30) feet from and parallel to the centerline of the existing right-of-way.

Lot Line, Rear - The property line most distant from and most nearly parallel to the front lot line, with the exception that on corner lots, the property line most distant from and parallel to the front lot lines shall be considered side lot lines.

Lot Line, Side - Any property line that is not a front or rear property line.

Lot Width - The horizontal distance between the side lot lines, measured along the front building setback line.

Lowest Floor - The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in these regulations.

Manufactured Building - A closed construction building assembly, or system of sub-assemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without specified components, as a finished building or as part of a finished building, and shall include but not be limited to residential, commercial, institutional, storage, and industrial structures. This part does not apply to "mobile homes", "manufactured homes" or manufactured housing, as defined by the United States Department of Housing and Urban Development (HUD). This part does apply to mobile offices or other units not insigniaed by HUD or otherwise inspected by the Florida Department of Motor Vehicles, except for mobile offices at construction sites and mobile homes used as temporary offices. Manufactured buildings are expressly excluded from the federal standards for mobile or manufactured homes and are in fact not the same as mobile homes.

Marquee - A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Mean Sea Level - The average height of the sea for all stages of the tide. For purposes of these regulations the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mini-Warehouse - An enclosed storage area containing individually rented or owned compartments or stalls for storage only.

Minor Replat - (a) the division of a single lot or parcel of land into two (2) lots or parcels, (b) the realignment of a lot line common to two lots or parcels, or (c) the subdivision of a parcel into two

----- *Article II - Rules of Interpretation and Definitions* -----

(2) or more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of these regulations.

Mitigation - Actions including, but not limited to, restoration, enhancement, or creation of wetlands, required to be taken by a person to off-set environmental impacts of permitted activities.

Mobile Home - (See "Dwelling, Mobile Home".)

Motor Vehicle Dismantling and Salvage Yard - The dismantling or wrecking of used motor vehicles or trailers, or the storage or sale of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile dismantling and salvage yard. See also "Junk Yard".

Multi-Family Dwelling - (See "Dwelling, Multiple Family".)

Multiple Occupancy Complex - A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Natural Flow Pattern - The rate, volume and direction of the surface or groundwater flow occurring under natural conditions for any given area.

Natural Systems - Systems which predominantly consist of or are used by 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 Construction - Structures or substantial improvements for which the "start of construction" occurred on or after the effective date of these regulations.

Non-Conforming Lot - Any lot which lawfully existed before these Regulations were adopted or amended, which would not now meet the minimum dimensions, area or other regulations of the zoning district in which it is located.

Non-Conforming Structure - Any structure or part of a structure which lawfully existed before these Regulations were enacted or amended, which by virtue of its size, configuration or location on a given lot or parcel, would not now meet the requirements for setback, building coverage, or height regulations applicable in the zoning district in which it is located.

Non-Conforming Use - Any use of a premises which lawfully existed before these Regulations were adopted or amended, which would be prohibited, regulated or restricted under the terms of these Regulations.

Nursing Home - A premises where meals, lodging, nursing care and related medical services are furnished for compensation to five (5) or more persons unrelated by marriage, birth or legal adoption. It does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occupant (Occupancy) - The person, persons, family, corporation or other legal entity in actual possession of the premises regardless of ownership of the premises.

Official Zoning Map - A graphic illustration of zoning district boundaries and classifications drawn and approved as part of the records of the Town of Pierson.

Off-Street Loading Space - A permanently located off-street space for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

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Off-Street Parking Space - A permanently located off-street space for the temporary parking of vehicles.

One Hundred Year Frequency Storm - The rainfall event which has a one (1) percent chance of being equaled or exceeded during any one given year.

Open Space - That portion of land or water not used for buildings, street rights-of-way or off-street parking and loading areas.

Ordinance - An official, legislative, policy-making action of a governing body.

Ordinary Maintenance - Work which does not require a construction permit and is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

Outdoor Advertising Sign - A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least twenty (20) feet above the ground and which is at least two hundred (200) square feet in size.

Out-parcel - Any area of land lying within the boundary of a proposed subdivision, but which is not included for purposes of these regulations as part of the proposed subdivision.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to any specific lands in question.

Parcel - A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Development Regulations Administrator.

Permanent - Designed, constructed and intended for more than short term use.

Person - An individual, firm, association, organization, whether social, fraternal or business partnership, joint venture, trust, company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit.

Person Aggrieved - A person aggrieved is one whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal; not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

Person, Interested - Any person who presents evidence, testimony or argument at any public hearings, whether oral or written, in person or by representative, and who provides his name and address to the hearing body.

Personal Service - Any retail service in which a practitioner, licensed by the Florida Department of Professional Regulations, provides to persons a service specifically relating to the physical or mental well-being, physical appearance or physical hygiene of those persons. Personal services include, but are not limited to the following: acupuncture, barbering, chiropractic, cosmetology, dietetics, marriage and family therapy, massage therapy, opticianry and optometry, physical therapy, psychotherapy, and speech- language therapy. The following, whether licensed or not, are specifically excluded from the definition of "personal services": tattooing, and any sexual conduct as defined in s. 847.001, Florida Statutes, as may be amended.

Planning Commission - The Planning Commission of the Town of Pierson.

Plat - A map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites or other divisions, being a complete, exact representation of the subdivision and containing other information in compliance with the requirements of applicable sections of these regulations and Chapter 177, Florida Statutes as amended or as hereafter amended, and may include the terms "replat," "amended plat" or "revised plat".

----- *Article II - Rules of Interpretation and Definitions* -----

Pollutant - Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Portable Sign - Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

Premises - A lot, together with all buildings and structures thereon.

Principal Structure - Any structure occupied by the principal use.

Principal Use - The primary purpose for which the premises is intended to be used.

PRM - Permanent Reference Monument, as defined in Chapter 177, Florida Statutes.

Profession - A calling requiring specialized knowledge, often long and intensive academic preparation, and involving mental rather than manual labor.

Project - Any area of land that is planned, designed, and developed in an integral and unified arrangement. It includes all structures, improvements, and equipment of every kind, nature or description incident to the development.

Project Initiation - All acts antecedent to actual construction activities and includes, but is not limited to, land clearing, utility construction, subdivision plat approval, and the like.

Protected Environmentally Sensitive Area - An environmentally sensitive area designated for protection in the Conservation Element of the Town's Comprehensive Plan.

Public Use - A use of any premises by a public body, board, commission or authority, such as a municipal, county, state or federal government, or any agency or department thereof for a governmental or proprietary purpose.

Public utility - Any publicly owned or privately owned utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone lines, and other cable communication lines such as television cable systems, whether underground or overhead, which serves the general public.

Public Utility Uses and Structures - Publicly owned or regulated electrical substations, water tanks, gas transfer stations, water and sewage treatment plants, municipal water supply wells, lift stations and other buildings and uses not defined as "Essential Utility Services" not including electrical power generating plants.

Rate - Volume per unit of time.

Recharge - The inflow of water into a project site, aquifer, drainage basin or facility.

Recreation Vehicle - A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

Recovery Homes - A group residential facility with one or more supervisors residing on the premises, with professional staff service as needed, providing board, lodging, supervision, medication and other treatment and counseling for persons progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction, or similar conditions, to full normal participation in community life, or persons otherwise in need of a structured environment to deal with such conditions.

----- *Town of Pierson Unified Land Development Regulations* -----

Remove - To relocate, cut down, damage, poison, or in any manner destroy or cause to be destroyed, a tree.

Rendition - The filing of a signed, written decision with the Enforcement Official. If a timely petition for rehearing has been filed, the decision shall not be deemed rendered until its disposition.

Replacement Stock - Any immature tree having an overall height of at least six (6) feet but does not include any tree listed as exempt in Section 8.3.2, C. In addition, replacement stock shall have a minimum diameter of one and one-half (1-1/2) inches, measured at the caliper.

Restaurant - A premises where meals or prepared food, including beverages or confections, are served to customers. Restaurants are classified as:

Type A: Restaurants where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias.

Type B: Any restaurant other than Type A.

Retail Sales and Services - The duly licensed selling of general or specialized merchandise directly to the consumer from a store, shop, or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Retail Specialty Shops - The duly licensed selling of specialized merchandise from a store, shop, or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Retention - The collection and storage of run-off without subsequent discharge to surface waters.

Right-of-way - An area of land occupied or intended to be occupied by a street, electric transmission line, oil or gas pipeline water main, sanitary or storm sewer main, or for another special use of public purpose. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, water mains, sanitary sewers, storm drains, or any other use involving maintenance by the city shall be dedicated to public use by the subdivider and shown on the plat on which such right-of-way is established.

Roadway - That portion of the street available for vehicular traffic.

Rooming House - See Boarding House.

Roof Line - A horizontal line intersecting the highest point or points of a roof.

Roof Sign - A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Run-off - Only that part of rainfall which, as surface water, flows off the land without infiltration into the ground.

Run-off Coefficient - Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

Sediment - The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Self-Service Laundry - A premises where equipment for washing and drying laundry is made available to retail customers for a charge. It is synonymous with laundromat.

----- *Article II - Rules of Interpretation and Definitions* -----

Sewage Disposal System, Individual - A septic tank, seepage tile sewage disposal system or any other sewage treatment device approved by the Town engineer and the Volusia County Health Department and/or Department of Environmental Regulation of the State of Florida.

Shopping Center - A premises containing a group of commercial establishments planned, developed and organized as a unit.

Sidewalk - That portion of the public and/or private right-of-way paved or otherwise improved and intended primarily for pedestrian traffic.

Sign - Any structure that displays letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trademarks or demonstrations, designed to advertise, inform, identify or to attract the attention of persons not on the premises on which the device or display is located.

Sign Face - The part of a sign that is or may be used for copy.

Sign Face Area - The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Significant Adverse Effect - Any modification, alteration, or effect upon a Protected Environmentally Sensitive Area which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the Town Comprehensive Plan.

Sign, Off-Site - Any sign relating in its subject matter to the commodities, accommodations, services, or activities on premises other than the premises on which the sign is located.

Site - The location of a significant event, activity, building, structure, or archaeological resource where the significance of the location and any archaeological resource where the significance of the location and any archaeological remains outweighs the significance of any existing structures.

Site Plan - A graphic presentation or map drawn to approximate scale depicting a proposed method of land development or land subdivision. Also, the combination of documents and exhibits required in Article III. Concept Plans, Preliminary Development Plans, Final Development Plans, and Subdivision Plats are types of Site Plans. The term "Development Plan" is synonymous with Site Plan.

Special Exception, Permitted - A use expressly so designated that it would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, or in other appropriate respects. The term "conditional use" is synonymous.

Specimen or Historic Tree - A tree which is determined by the Town Council of Pierson to be of such unique and intrinsic value to the general public because of its size, age, historic association, or ecological value as to justify this classification.

Start of Construction - The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348).

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

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Storm Water Conveyance System - Any natural or man-made system which transports excess rainfall from the land to a point of discharge; the term shall include, but is not limited to, retention, or detention; drainage canal, drainage ditch, culvert, storm sewer, and gutter.

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

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

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the top most floor and the roof. A basement or cellar not used for human occupancy shall not be counted as a story.

Street - Any access way which affords a primary means of vehicular access to abutting properties whether designated a street, road, lane, highway, avenue, boulevard, parkway, circle, court, terrace, place, or cul-de-sac. It also includes all the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers, easements of ingress and egress, and driveways to buildings.

Street, Arterial - A major, high-capacity street designed primarily to carry large volumes of inter-city traffic, and so designated by the Town's Comprehensive Plan.

Street, Collector - A street which carries traffic from local streets to the arterial street system, and so designated by the Town's Comprehensive Plan.

Street, Local (or minor) - A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood, and so designated by the Town's Comprehensive Plan.

Street, Sub-Collector - A street which carries traffic from local streets to the collector and arterial street system, and so designated by the Town's Comprehensive Plan.

Street, Marginal Access - A minor street which parallels and is adjacent to a major street or highway and which provides access to abutting properties and protection from through traffic.

Street Centerline - The line midway between the street right-of-way lines or the surveyed and platted centerline of a street which may or may not be the line midway between the existing right-of-way lines.

Street, Private - An easement intended for vehicular access to abutting lots or spaces, which has not been dedicated to the public and not accepted by the Town for maintenance. When such easement is created, the easement shall be over the boundaries of the underlying lots, unless otherwise authorized by the Town Council.

Street Right-of-Way Line - The line which bounds the right-of-way set aside for use as a street.

Structure - Anything constructed or erected on the ground or attached to anything constructed or erected on the ground.

Subdivider - (See "Developer".)

Subdivision - Any division of a parcel of land, whether improved or unimproved, into two (2) or more lots, or parcels of land for the purpose, whether immediate or future, of transfer of ownership or building development where the subdivider advocates, proposes, suggests or exhibits a proposed plan, map, or plat of development of the land. "Subdivision" includes a resubdivision and replatting and, when appropriate to the context, shall refer to the act of subdividing or to the land subdivided.

----- *Article II - Rules of Interpretation and Definitions* -----

The following shall be exempt and not subject to the regulations prescribed by these regulations:

(1) The combination or recombination of portions of previously platted lots where no new parcels or residual parcels result in lots of less area, width, or depth than the original lots of record and where the resultant lots are equal to or exceed the standards of the Town as required by the current land development regulations of the Town of Pierson.

Subdivision, Cluster - A subdivision of land into lots smaller than otherwise permitted in its zoning classification in order to provide common open space equal to the area by which the lot size was reduced.

Substantial Improvement - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

Surface Water - Water above the surface of the ground whether or not flowing through definite channels, including the following:

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

Surveyor - A land surveyor registered under Chapter 472, Florida Statutes, who is in good standing with the Florida State Board of Land Surveyors.

Temporary - Designed, constructed, and intended to be used on a short-term basis.

Task Force - The Technical Review Board of the Town of Pierson comprised of the Development Code Administrator and others designated by the Town Council.

To plat - In whatever tense used, to divide or subdivide lands into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated and the recording of the plat in the office of the Clerk of the Circuit Court of Volusia County.

Topographic Survey - A survey of the natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spatial relations. Such survey shall be certified by the registered surveyor in charge as meeting the Minimum Technical Standards set forth in Section 472.027, Florida Statutes. In addition to any other features required by the Minimum Technical Standards, the topographic survey shall show wooded areas, wetland areas, 100-year flood plain areas, natural or man-made drainage courses, ponds, and topography, based on National Geodetic Vertical Datum (NGVD), at a minimum contour interval of two (2) feet.

Town - The Town of Pierson, Florida.

Town Council - The governing body of the Town of Pierson.

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Town Engineer - A professional engineer, or engineering firm, registered in the State of Florida, whether employed or retained by the Town, authorized by the Town Council to perform the duties of that office.

Townhouse - A single family dwelling constructed as a group of 3 or more attached single family dwellings each occupying the total space between the ground and roof and having an entrance separate and apart from the entrance to any other dwelling. Townhouses shall be located only in multi-family zoning districts.

Trailer - A vehicle without motor power of its own, designed for carrying passengers or property, and drawn by an automobile, motor truck, or tractor. It is intended to include the terms tractor-trailer and semi-trailer, but not to include mobile home or mobile recreational shelters or vehicles.

Travel Trailer or Mobile Camper - A self-powered or non-self-powered hard-shell or non-collapsible conveyance less than eight (8) feet in width capable of being towed by an ordinary automobile or by the self-powered vehicle upon which it is constructed, whose primary use is temporary lodging while traveling or camping, and is not used for habitation except in designated camp sites while in the corporation limits of Pierson. These vehicles are excluded from the definition of "Mobile Homes" unless used for habitation in locations other than designated camp sites.

Tree - Shall mean any self-supporting woody plant of a species which normally grows, or is capable of growing, to an overall minimum height of fifteen (15) feet in the coastal portion of the state and which has a trunk diameter of not less than four (4) inches as measured three (3) feet above the average ground level at the base of the tree.

Twenty-Five Year Frequency Storm - The rainfall event which has a four (4) percent chance of being equaled or exceeded during any one given year.

Unit - That part of a multiple occupancy complex housing one occupant.

Use - (1) Any purpose for which a premises may be designed, arranged, intended, maintained, or occupied; or (2) any activity, occupation, business, or operation conducted or intended to be conducted on the premises.

Utilities - Includes, but is not limited to, water systems, electrical power, gas systems, sanitary sewer systems, storm drainage systems, and telephone and other cable communication lines such as television cable systems.

Utility Building - A building whose principal use is that of storage for yard maintenance equipment and/or tools.

Volume - Occupied space measured in cubic units.

Variance - "Variance" means a modification of the zoning ordinance regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship. A variance is authorized only for area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts. No variance shall be granted as to "height".

Vehicle - Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance on land, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.

Veterinary Clinic - A premises for the medical and surgical care of sick or injured animals, with limited overnight facilities.

----- *Article II - Rules of Interpretation and Definitions* -----

Vehicle Sign - Any sign affixed to a vehicle.

Vehicle Use Area - An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

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

Water Body - Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Water Detention Structure or Water Management Structure - A facility which provides for storage of storm water run-off and the controlled release of such run-off during and after a flood or storm.

Water Retention Structure - A facility which provides for storage of storm water run-off.

Water's Edge and Wetland's Edge - The water's 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 average annual high water mark;
2. the landward boundary of hydric soils; or
3. the landward boundary of wetland vegetation, based on the wetland vegetation index.

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.

Wetlands - Lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and non-contiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hydric hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-3.022, Florida Administrative Code.

Wetland Vegetation - As defined in Rule 17-3.022, Florida Administrative Code.

Yard - That minimum area of land required by these regulations, within which no structure or portion thereof shall be erected from the ground up unless otherwise expressly permitted by these regulations. The various types of yards are illustrated in the Yard Diagrams on page 38.

Yard, Front - A yard extending across the front of a lot. It is bounded on the front by the front lot line, on the side by the side lot lines and on the rear by a line parallel to and located the minimum distance from the front lot line permitted by the applicable classification.

Yard, Rear - A yard extending across the rear of a lot. It is bounded on the rear by the rear lot line, on the side by the side lot lines and on the front by a line parallel to and located the minimum distance from the rear lot line permitted by the applicable classification.

Yard, Side - A yard between the side lot line and a line parallel to and located the minimum distance from the side lot line permitted by the applicable classification.

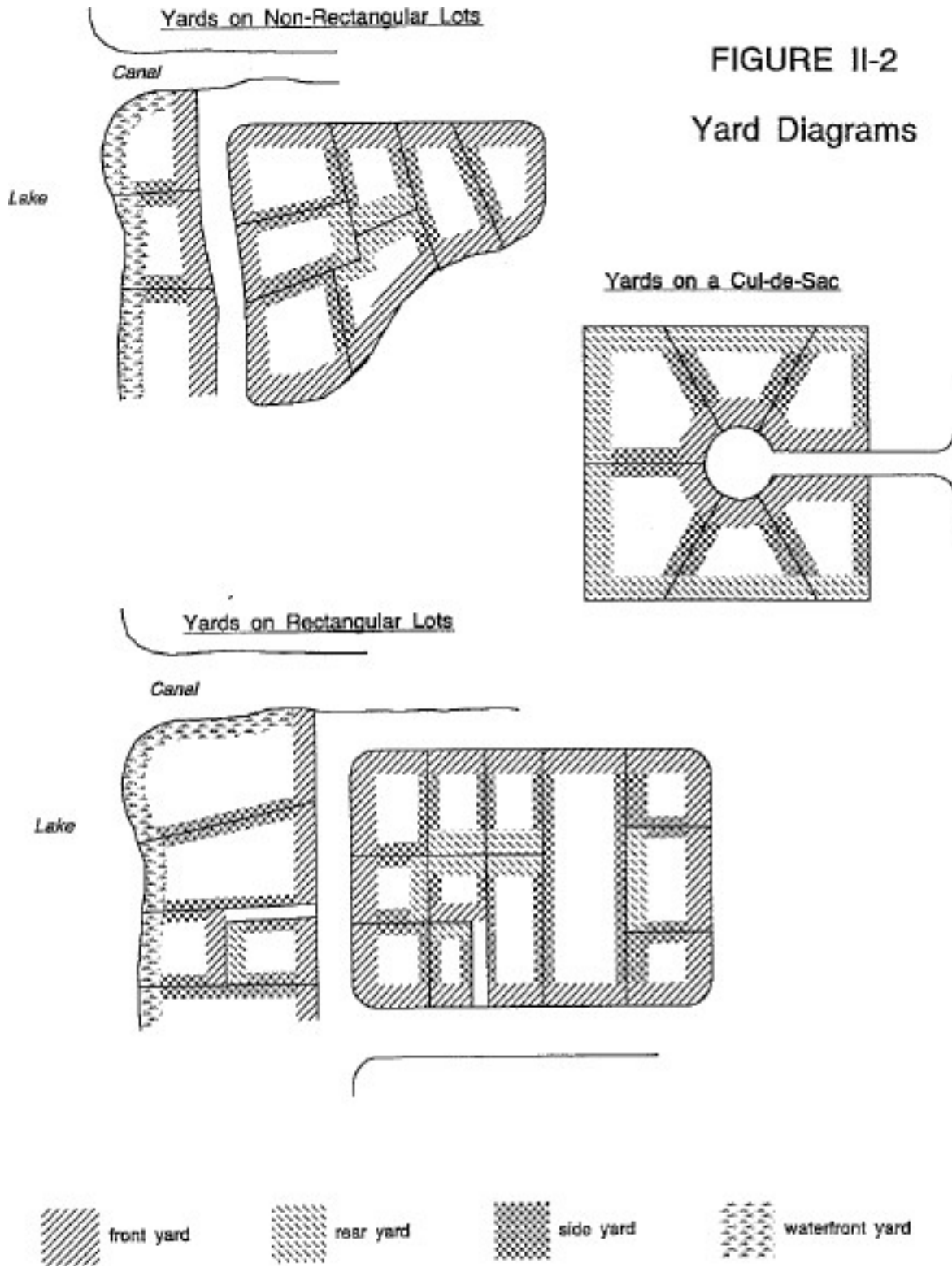
Yard, Waterfront - A yard abutting a body of water. The line determining the edge of the waterfront yard shall be the mean high water mark.

----- *Town of Pierson Unified Land Development Regulations* -----

Zoning District - An area identified on the zoning map, assigned a zoning classification as indicated on said map, consisting of any one (1) of several zoning districts as set forth and established in Article V of these regulations. Reference to the word "district" or "zone" shall mean zoning district.

Zoning Map - The official zoning map of the Town of Pierson, Florida, as amended.

Zoning Code - The portion of these regulations that pertains to zoning districts, including the zoning map, the zoning district regulations and all amendments to such zoning map and zoning district regulations. The term is synonymous with the terms "zoning ordinance" and "zoning regulations".



ARTICLE III - ADMINISTRATION, ENFORCEMENT AND REVIEW

SECTION 3.1 PURPOSE

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

SECTION 3.2 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY

3.2.1 General

No development activity may be undertaken without prior authorization by a development permit.

3.2.2 Prerequisites to Issuance of A Development Permit

Except as provided in Section 3.2.3, a development permit may not be issued unless the proposed development activity is authorized by a Final Development Order issued pursuant to these Regulations.

3.2.3 Exceptions to Requirement of A Final Development Order

A development permit may be issued for the following development activities without a Final Development Order having been issued pursuant to these Regulations. Unless otherwise specifically provided, the development activity shall conform to these Regulations.

- A. 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 has continued in good faith. Compliance with the development standards in these Regulations is not required if in conflict with the previously approved plan.
- B. The construction or alteration of a one- or two-family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of these Regulations.
- C. The alteration of an existing building or structure so long as no resulting in a net change is made to its gross floor area of one thousand (1,000) square feet or less, its use, or the amount of impervious surface on the site.
- D. The removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of these Regulations.
- F. The erection of a permanent sign.
- G. Minor replats.
- H. Construction, elimination, or alteration of a driveway onto a public street.

3.2.4 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 modification of the permit. 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 files of the Development Regulations Administrator.

3.2.5 Certificate of Occupancy

No new use of any land, water or building, or any part thereof, shall be allowed and no existing use of land, water or building shall be changed until a Certificate of Occupancy is issued stating that such use of land, water, building or any part thereof is found to be in conformity with the provisions of these

Regulations. A Certificate of Occupancy shall also be required for any change of use, or for any alteration or modification of any building or structure. Any change of occupancy, of business uses, professional uses, personal uses, personal services and retail sales and services shall require an occupancy certificate.

Within three (3) working days after notification to the Development Regulations Administrator that any land, water or building or any part thereof is ready for occupancy use, it shall be the duty of the Development Regulations Administrator to make or have made a final inspection thereof and to issue a Certificate of Occupancy if it is found that such land, water or building, or any part thereof, is in conformance with the provisions of these Regulations; or if such Certificate of Occupancy is refused, the Development Regulations Administrator shall state in writing to the applicant the reasons for such refusal, citing the regulations being violated.

3.2.6 Authority to Enter Upon Private Property

The Development Regulations Administrator and any inspector under his direction, in the performance of their functions and duties under the provisions of these Regulations, may enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of these Regulations.

3.2.7 Construction and Use to Remain the Same

Development Permits or Certificates of Occupancy issued on the basis of plans and applications approved pursuant to the provisions of these Regulations authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Uses, arrangements and construction other than originally permitted must be resubmitted for permit approval.

Use, arrangement or construction at variance with that authorized shall be deemed a violation of these Regulations, and shall be punishable as provided for by Section 3.2.10.

3.2.8 Expiration of Development Permit

If the work described in any Development Permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Development Regulations Administrator, and written notice thereof shall be given to the person affected.

If the work described in any Development Permit is suspended or abandoned for a period of six (6) months after work has commenced, said permit shall be canceled by the Development Regulations Administrator, 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 Development Permit has been obtained; provided, that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be put in writing by the Development Regulations Administrator.

3.2.9 Developments Under Construction; Existing Permits

Any developments for which a Development Permit has been issued, and the construction of which has started prior to the effective date of these Regulations, may be completed in accordance with the approved plans and specifications, provided all construction is completed within one year after the effective date of these Regulations.

If on the effective date of these Regulations, valid permits have been issued authorizing the construction or alteration of development in a manner which does not conform to the requirements of these Regulations, such permits shall be canceled unless the "start of construction" occurs within six (6) months and is completed within one year after the effective date of these Regulations.

3.2.10 Violations and Penalties

A. Complaints Regarding Violations

Whenever the Development Regulations Administrator receives a written, signed complaint alleging a violation of any provision of these Land Development Regulations, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant and the Town Council in writing what actions have been or will be taken. The Development Regulations Administrator shall inform the Town Council of any complaints received and any actions taken in regard to those complaints at the regular meeting immediately following such receipt or action.

B. Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the provisions of these Land Development Regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

C. Procedures Upon Discovery of Violations

1. If the Development Regulations Administrator finds that any provision of these Land Development Regulations is being violated, he or she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Development Regulations Administrator's discretion.

2. The final written notice (and the initial written notice may be the final notice) shall state what action the Development Regulations Administrator intends to take if the violation is not corrected and shall advise that the Development Regulations Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 10.1. Appeals.

3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of these Land Development Regulations or pose a danger to the public health, safety, or welfare, the Development Regulations Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in paragraph 3.2.10, D.

D. Penalties and Remedies for Violations

1. Violations of the provisions of these Land Development Regulations or failure to comply with any requirements thereof, including violations of any conditions and safeguards established in connection with the grants of variances or special exceptions, shall constitute a municipal ordinance violation, punishable by a fine of up to \$500, or a maximum of 60 days imprisonment or both.

2. Any act constituting a violation of the provisions of these Land Development Regulations or a failure to comply with any of the requirements thereof, including violations of any conditions

or safeguards established in connection with the grants of any variances or special exceptions, shall also subject the offender to a civil penalty of \$200 per day. If the offender fails to pay this penalty within 10 days after being cited for a violation the penalty may be recovered by the Town in a civil action in the nature of the debt. In addition to the civil penalty, any and all costs, including legal costs, incurred by the Town in the enforcement of the provisions of these Land Development Regulations may be recovered by the Town in a civil action. A civil action may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with paragraph 3.2.10, C. and did not take an appeal to the Board of Adjustment within the prescribed time.

3. The provisions of these Land Development Regulations may also be enforced by any appropriate equitable action.

4. Each day that any violation continues after notification by the Development Regulations Administrator that such violation exists shall be considered a separate offense for the purposes of the penalties and remedies specified in this section.

5. Anyone, all, or any combination of the foregoing penalties and remedies may be used to enforce the provisions of these Land Development Regulations.

E. Permit Revocation

1. A development permit, certificate of occupancy, sign permit or special exception permit may be revoked by the Town Council if the permit recipient fails to develop or maintain the property in accordance with the plans submitted the requirements of these Land Development Regulations, or any additional requirements lawfully imposed by the Town Council.

2. Before a special exception permit may be revoked, all of the notice and hearing requirements required for the initial grant of the special exception shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

a. The burden of presenting evidence sufficient to authorize the Town Council to conclude that a permit should be revoked for any of the reasons set forth in paragraph E.1. shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

b. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

3. Before a development permit, certificate of occupancy, or sign permit may be revoked, the Development Regulations Administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Development Regulations Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

4. No person may continue to make use of land or buildings in the manner authorized by any development permit, certificate of occupancy, sign permit, or special exception permit after such permit has been revoked in accordance with this section.¹

¹ As amended by Ordinance 99-6, May 11, 1999

SECTION 3.3 PLANNING COMMISSION

3.3.1 Creation

A Planning Commission is hereby created. It shall be referred to in these Regulations as the Commission, and shall have the following membership, powers, duties, responsibilities and limitations.

A. Membership, Terms of Office:

The Commission shall have five (5) members appointed by the Town Council for a term of three (3) years. Initial appointments, however, shall be staggered. No elected official or employee of Town government shall be appointed to serve on any Commission.

B. Place of Residence, Removal from Office, Vacancies:

Each Commission member shall reside within the Town limits. In the event an appointed member moves outside the Town limits, a vacancy shall be deemed to exist. Any vacancy occurring during the unexpired term of office of any member shall be filled by the Town Council for the remainder of the term. The vacancy shall be filled within sixty (60) days from the time it occurs. Any member of the Commission may be removed from office for cause by the Town Council, upon written charges and after public hearing.

C. Officers, Employees:

The Planning Commission shall elect a Chairman and Vice-Chairman and shall appoint a Secretary who may be an officer or employee of the Town Council.

D. Compensation:

Each Commission member shall serve without compensation, but Commission members and the staff may be reimbursed for educational, travel, mileage, and per diem expenses as provided by law.

3.3.2 Rules of Procedure

The Commission shall meet at regular intervals, and at such other times as it may deem necessary, for the transaction of its business. It shall adopt written by-laws and keep a properly indexed public record of its resolutions, transactions, findings and recommendations. A quorum shall be three (3) members. No recommendations for approval of any application may be made unless three (3) members concur.

3.3.3 Powers and Duties

The Commission shall hear applications from the Town Council, any department or agency of Town government, or from any person (see definition of person) for amendment of these Regulations. Additionally, the Commission shall have the general responsibility for the conduct of the Town's comprehensive planning program and review of applications for Development Orders.

The Planning Commission shall prepare, or cause to be prepared, the elements of the comprehensive plan required in Chapter 163.3177, Fla. Stat., known as the Local Government Comprehensive Planning and Land Development Regulations Act (LGCPDRA) and other appropriate plan elements, and shall make recommendation regarding the comprehensive plan to the Town Council. It shall have the general responsibility for the conduct of the comprehensive planning program. It shall comply with all requirements of the LGCPDRA, and shall monitor and oversee the effectiveness and status of the comprehensive plan, and recommend to the Town Council such changes in the comprehensive plan as may from time to time be required. It shall perform any other duties assigned by the Town Council, and may prepare and recommend to the Town Council any other proposals to implement the comprehensive plan.

The Planning Commission shall review all applications for the construction of single-family residences, modular homes and duplexes for compliance with the residential design and appearance standards set forth in Section 5.6.I.

SECTION 3.4 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

The procedure for review of development plans shall be as shown graphically in Figure III-1 (page 44) and described in this section.

3.4.1 Pre-Application Conference Required for All Development Plan Reviews

Prior to filing an application for development plan review, the developer shall meet with the Development Regulations Administrator to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

3.4.2 Designation of Plans as Minor or Major Developments

A. Generally

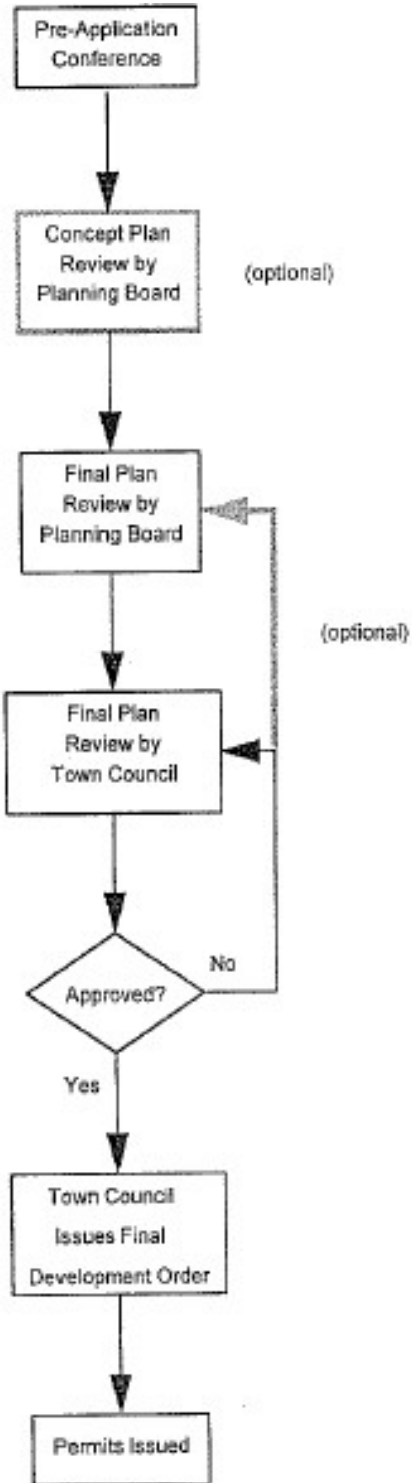
For purposes of these review procedures, all development plans shall be designated by the Development Regulations Administrator as either Minor Development or Major Development according to the criteria below. Before submitting a development plan for review, the developer shall provide the Development Regulations Administrator with sufficient information to make this determination. The Development Regulations Administrator shall prepare written findings to support his determination.

B. Major Development

A development plan shall be designated as a Major Development if it satisfies one or more of the following criteria:

1. The development is a residential project of five (5) or more dwelling units.
2. The development involves more than five thousand (5,000) square feet of non-residential floor space.
3. The development involves the creation of a new street, either public or private, or the extension or construction of new potable water or sanitary sewer facilities other than those necessary to serve only the proposed development.
4. Any development that the Development Regulations Administrator designates as a Major Development project because:
 - a. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits of 1, 2, or 3 above; or
 - b. The proposed development adjoins other lands which might logically be accessed through the proposed development.
 - c. The proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness, or location.
 - d. The proposed development is one which is likely to be controversial despite its small size, and should thus be more thoroughly and publicly reviewed.

FIGURE III-1
PROCEDURE FOR REVIEW
OF DEVELOPMENT PLANS



C. Minor Development

A development plan shall be designated as a Minor Development if it is neither a Major Development nor a development exempt under Section 3.2.3 of this Article from the requirement of a development plan.

3.4.3 Optional Review of Concept Plans

A. Any developer may elect to submit a Concept Plan for review. This review is recommended to developers for proposals that may be controversial.

B. The developer shall file a completed application and a Concept Plan as a prerequisite to obtaining Concept Review when such review is requested.

C. Within five (5) working days of receipt of an application and Concept Plan, the Development Regulations Administrator shall determine that the submittals are complete and proceed with the following procedures.

D. The proposal shall be placed on the agenda of the next meeting of the Planning Commission that allows the giving of required notice.

E. Notice of Concept Review shall be mailed by the Development Regulations Administrator to the developer and all persons who, according to the most recent tax rolls, own property adjoining within four hundred (400) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before the scheduled review by the Planning Commission. The expense of this mailing shall be borne by the developer.

F. A copy of the Concept Plan and notice of the time and date of the Concept Review shall be delivered to each member of the Technical Review Committee. Technical Review Committee members shall review the proposal and submit comments, if any, in writing to the Planning Commission or orally at the Commission's Concept Review.

G. The Planning Commission shall consider:

1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
2. Whether the concurrency requirements of Article IV of these Regulations could be met if the development were built.
3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.
4. Consistency of the proposed development with the Comprehensive Plan.
5. Conformity of the proposed development with these Regulations and other applicable regulations.
6. Applicable regulations, review procedures, and submission requirements.
7. Concerns and desires of surrounding landowners and other affected persons.
8. Other applicable factors and criteria prescribed by the Comprehensive Plan, these Regulations, or other law.

H. The Planning Commission shall issue no order, finding or other official indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any

expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

3.4.4 Review of Final Development Plans for Minor Developments

A. The developer of a proposed Minor Development shall submit a completed application and a Final Development Plan to the Development Regulations Administrator.

B. Within five (5) working days of receipt of a Plan, the Development Regulations Administrator shall:

1. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended Plan within thirty (30) days without payment of a re-application fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review process and pay an additional fee; or
2. Determine that the Plan is complete and proceed with the procedures below.

C. The Development Regulations Administrator shall place the proposal on the agenda of the next meeting of the Planning Commission that allows the giving of required notice.

D. Notice of Final Plan Review shall be mailed by the Development Regulations Administrator to the developer and all persons who, according to the most recent tax rolls, own property adjoining within four hundred (400) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before the scheduled review by the Planning Commission. The expense of this mailing shall be borne by the developer.

E. copy of the Final Plan and notice of the time and date of the Final Plan Review shall be delivered to each member of the Technical Review Committee. Technical Review Committee members shall review the proposal and submit comments, if any, in writing to the Planning Commission.

F. The Planning Commission shall conduct an administrative hearing on the Final Development Plan to determine whether the plan satisfies the requirements of these Regulations.

G. The Planning Commission shall consider:

1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
2. Whether the concurrency requirements of Article IV of these Regulations could be met if the development were built.
3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.
4. Consistency of the proposed development with the Comprehensive Plan.
5. Conformity of the proposed development with these Regulations and other applicable regulations.
6. Applicable regulations, review procedures, and submission requirements.
7. Concerns and desires of surrounding landowners and other affected persons.
8. Other applicable factors and criteria prescribed by the Comprehensive Plan, these Regulations, or other law.

H. Upon completion of its review, the Planning Commission shall forward a recommendation to the Town Council either to:

1. Approve the Final Development Plan;
2. Approve the Final Development Plan with modifications; or
3. Deny the Final Development Plan based on its determination that the proposed development, even with reasonable modifications, cannot meet the requirements of these Regulations.

I. The Development Regulations Administrator shall place the proposal on the agenda of the next meeting of the Town Council that allows the Council reasonable time to review the Final Development Plan and the Planning Commission's recommendation.

J. Upon completion of its review, the Town Council shall either:

1. Issue a Final Development Order complying with Section 3.5.9 below; or
2. Refuse to issue a Final Development Order based on its determination that the Development fails to comply with the conditions imposed by the Preliminary Development Order.

3.4.5 Review of Preliminary and Final Development Plans for Major Developments

A. Review of Preliminary Development Plans

1. The developer shall submit a completed application and a Preliminary Development Plan to the Development Regulations Administrator.
2. Within five (5) working days of receipt of a Preliminary Development Plan, the Development Regulations Administrator shall:
 - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or
 - b. Determine that the plan is complete and proceed with the following procedures.
3. The Development Regulations Administrator shall place the proposal on the agenda of the next meeting of the Planning Commission that allows the giving of required notice.
4. Notice of Preliminary Plan Review shall be mailed by the Development Regulations Administrator to the developer and all persons who, according to the most recent tax rolls, own property adjoining within four hundred (400) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before the scheduled review by the Planning Commission. The expense of this mailing shall be borne by the developer.
5. A copy of the Preliminary Plan and notice of the time and date of the Preliminary Plan Review shall be delivered to each member of the Technical Review Committee. Technical Review Committee members shall review the proposal and submit comments, if any, in writing to the Planning Commission.
6. The Planning Commission shall conduct an administrative hearing on the Preliminary Development Plan to determine whether the plan satisfies the requirements of these Regulations.
7. The Planning Commission shall consider:

----- *Article III - Administration, Enforcement and Review* -----

- a. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
 - b. Whether the concurrency requirements of Article IV of these Regulations could be met if the development were built.
 - c. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.
 - d. Consistency of the proposed development with the Comprehensive Plan.
 - e. Conformity of the proposed development with these Regulations and other applicable regulations.
 - f. Applicable regulations, review procedures, and submission requirements.
 - g. Concerns and desires of surrounding landowners and other affected persons.
 - h. Other applicable factors and criteria prescribed by the Comprehensive Plan, these Regulations, or other law.
8. Upon completion of its review, the Planning Commission shall forward a recommendation to the Town Council either to:
- a. Approve the Preliminary Development Plan;
 - b. Approve the Preliminary Development Plan with modifications; or
 - c. Deny the Preliminary Development Plan based on its determination that the proposed development, even with reasonable modifications, cannot meet the requirements of these Regulations.
9. The Development Regulations Administrator shall place the proposal on the agenda of the next meeting of the Town Council that allows the Council reasonable time to review the Preliminary Development Plan and the Planning Commission's recommendation.
10. Upon completion of its review, the Town Council shall either:
- a. Issue a Preliminary Development Order complying with Section 3.5.8 below; or
 - b. Refuse to issue a Preliminary Development Order based on its determination that the proposed development, even with reasonable modifications, cannot meet the requirements of these Regulations.

B. Review of Final Development Plans

1. The developer shall submit a Final Development Plan for review within six (6) months after issuance of a Preliminary Development Order. If this deadline is not met, the Preliminary Development Order shall expire.
2. Within five (5) working days of receipt of a Final Development Plan, the Development Regulations Administrator shall:
 - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or

----- *Town of Pierson Unified Land Development Regulations* -----

- b. Determine that the plan is complete and proceed with the following procedures.
3. The Development Regulations Administrator shall place the proposal on the agenda of the next meeting of the Planning Commission that allows the giving of required notice.
4. Notice of Final Plan Review shall be mailed by the Development Regulations Administrator to the developer and all persons who, according to the most recent tax rolls, own property adjoining within four hundred (400) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before the scheduled review by the Planning Commission. The expense of this mailing shall be borne by the developer.
5. A copy of the Final Plan and notice of the time and date of the Final Plan Review shall be delivered to each member of the Technical Review Committee. Technical Review Committee members shall review the proposal and submit comments, if any, in writing to the Planning Commission.
6. The Planning Commission shall conduct an administrative hearing on the Final Development Plan to determine whether the plan satisfies the requirements of these Regulations.
7. The Planning Commission shall consider:
 - a. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
 - b. Whether the concurrency requirements of Article IV of these Regulations could be met if the development were built.
 - c. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.
 - d. Consistency of the proposed development with the Comprehensive Plan.
 - e. Conformity of the proposed development with these Regulations and other applicable regulations.
 - f. Applicable regulations, review procedures, and submission requirements.
 - g. Concerns and desires of surrounding landowners and other affected persons.
 - h. Other applicable factors and criteria prescribed by the Comprehensive Plan, these Regulations, or other law.
8. Upon completion of its review, the Planning Commission shall forward a recommendation to the Town Council either to:
 - a. Approve the Final Development Plan;
 - b. Approve the Final Development Plan with modifications; or
 - c. Deny the Final Development Plan based on its determination that the proposed development, even with reasonable modifications, cannot meet the requirements of these Regulations.
9. The Development Regulations Administrator shall place the proposal on the agenda of the next meeting of the Town Council that allows the Council reasonable time to review the Final Development Plan and the Planning Commission's recommendation.

10. Upon completion of its review, the Town Council shall either:
 - a. Issue a Final Development Order complying with Section 3.5.9 below; or
 - b. Refuse to issue a Final Development Order based on its determination that the Development fails to comply with the conditions imposed by the Preliminary Development Order.

3.4.6 Review of Subdivision Plats

A. Generally

When a proposed Minor or Major Development includes the subdivision of land, approval of the Final Development Order by the Town Council shall be made contingent upon approval by the Town Council of a record plat conforming to the Final Development Order.

B. Application for Approval of a Record Plat

After receiving a "plat-contingent" approval of a Final Development Order, the developer shall submit completed plat review application and a plat to the Development Regulations Administrator. Alternately, the developer may submit an application for plat approval at any point in the development review process.

C. Review by Town Engineer and Town Attorney.

Upon receipt of a complete application for Final Plat approval, the Development Regulations Administrator shall forward copies of the application to the Town Engineer and the Town Attorney. The Town Engineer shall be responsible for assuring conformance of the Final Plat with the Final Development Order. He shall also certify that the required improvements have been completed in accordance with the Final Development Order.

The Town Attorney shall certify that all necessary certificates have been properly executed, and that deed restrictions or protective covenants, if any, are sufficient to achieve the intended purpose. He shall also comment on the sufficiency of the improvements warranty and on the sufficiency of the performance bond when such bond has been provided.

D. Town Council Approval.

The Town Council shall review and take action on the Record Plat after its approval by the Town Engineer and Town Attorney. If the Final Plat meets all requirements of these Regulations and is in accordance with the Final Development Order, the Town Council shall approve the Final Plat and indicate its approval by the signature of the Mayor and Town Clerk.

E. Recording of Approved Plat

Upon approval by the Town Council of the Final Plat, the Town Clerk shall file said plat with the Clerk of the Circuit Court for recording in the Public Records of Volusia County. The subdivider shall pay all recording fees.

3.4.7 Project Phasing

A Master Plan for the entire development site must be approved for a Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Preliminary Development Plan for the first phase of the development and must be approved as a condition of approval of the Preliminary Plan for the first phase. A Preliminary and Final Development Plan must be approved for each phase of the development under the procedures for development review prescribed above.

3.4.8 Required and Optional Contents of Preliminary Development Orders

A. Required Contents

A Preliminary Development Order shall contain the following:

1. An approved Preliminary Development Plan (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the Preliminary Development Plan that must be made, in order for a Final Development Order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.
3. A listing of federal, state, and regional permits that must be obtained in order for a Final Development Order to be issued.
4. with regard to the concurrency management requirements in Article IV:
 - a. The initial determination of concurrency.
 - b. The time period for which the Preliminary Development Order is valid. This initial determination indicates that capacity is expected to be available for the proposed project, provided that a complete application for a Final Development Order is submitted prior to the expiration date of the Preliminary Development Order.
 - c. Notice that the Preliminary Development Order does not constitute a Final Development Order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a Final Development Order.
 - d. Notice that issuance of a Preliminary Development Order is not binding with regard to decisions to approve or deny a Final Development Order, and that it does not constitute a binding commitment for capacity of a facility or service.

B. Optional Contents

A Preliminary Development Order may include one or more of the following as conditions of approval:

1. Agreement by the Developer in a recordable written instrument running with the land that no Final Development Order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
2. Commitment by the Developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
3. Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.
4. Such other conditions as may be required by the Planning Commission to ensure that concurrency will be met for all applicable facilities and services.

3.4.9 Required and Optional Contents of Final Development Orders

A. Required Contents

A Final Development Order shall contain the following:

----- Article III - Administration, Enforcement and Review -----

1. A determination that, where one was required, a valid Preliminary Development Order exists for the requested development.
2. An approved Final Development Plan with findings and conclusions.
3. A determination that all conditions of the Preliminary Development Order have been met.
4. If modifications must be made to the development plan before a Final Development Order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the development order is valid and during which time development shall commence. A Final Development Order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
6. A bond in the amount of one hundred ten percent (110%) of the cost of services or facilities that the applicant is required to construct, contract for construction, or otherwise provide.
7. A commitment by the Town to the following:
 - a. The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted one-year capital budget unless the subject Final Development Order expires or is rescinded prior to the issuance of a certificate of occupancy.
 - b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.

B. Optional Contents

A Final Development Order may contain:

1. A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
2. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.
3. Any alternate service or facilities impact mitigation measures to which the applicant has committed in a recordable written instrument.
4. Such other conditions as may be required to ensure compliance with the concurrency requirement.

3.4.10 Expiration of Preliminary and Final Development Orders

A. Any one of the following conditions shall cause a Preliminary Development Order to expire:

1. The developer has not submitted an application for Final Development Plan Review within one (1) year of the date of issuance of the Preliminary Development Order.
2. The developer had submitted an application for Final Plan Review within one (1) year of the date of issuance of the Preliminary Development Order, but voluntarily withdraws the application for Final Development Plan Review more than one (1) year after the date of issuance of a Preliminary Development Order.

B. If the developer had submitted an application for Final Plan Review within one (1) year of the date of issuance of the Preliminary Development Order, and the Town refused to issue a Final Development Order based on its determination that the Development failed to comply with the conditions imposed by

the Preliminary Development Order, the developer shall be given an additional six (6) month period in which to submit a revised application for Final Plan Review. Such additional six (6) month period shall begin on the date of the Town's refusal to issue a Final Development Order.

C. If the "actual start of construction" has not occurred within one (1) year from the date of issuance of the Final Development Order, such Final Development Order shall expire. Upon written application, the Town Council may grant one or more six (6) month extensions for good cause.

SECTION 3.5 SUBMITTAL REQUIREMENTS

3.5.1 Concept Development Plan Submittal Requirements

When a developer is applying for Concept Plan Review pursuant to Section 3.5.3, he shall submit to the Development Regulations Administrator ten (10) copies of the Concept Plan and all accompanying exhibits. All materials shall be clearly labeled "Concept Development Plan". No particular information or exhibits are required to be included; however, the better able the developer is to convey his proposal to the Town, the more informative will be the Town's reaction to the proposal.

3.5.2 Preliminary Development Plan Submittal Requirements

When a developer is applying for Preliminary Development Plan Review pursuant to Section 3.5.5, A., he shall submit to the Development Regulations Administrator ten (10) copies of the Preliminary Development Plan and all required exhibits. All materials shall be clearly labeled "Preliminary Development Plan". The Preliminary Development Plan shall be drawn at a scale not less than 1"=200'; and shall show graphically or by notes:

- A. Vicinity map at a scale no smaller than 1"=2000'.
- B. Total acreage.
- C. If applicable, the area of the 100-year flood and base flood elevation as determined by the Federal Emergency Management Agency.
- D. Water bodies or courses.
- E. Wetland areas.
- F. Approximate location and extent of the general soil types and their limitations for the proposed use of the property.
- G. Approximate locations and extent of the predominant plant communities.
- H. Tentative layout of street system, driveways, off-street parking areas, lot patterns, and areas reserved for recreation and/or conservation.
- I. Schematic plans for water, sewer, drainage systems, and private utilities.
- J. Approximate locations of adjacent streets, utilities, land uses, and other improvements which may have bearing on development of the subject property.
- K. Existing zoning.
- L. Legal description.
- M. Any other appropriate information thought necessary by the applicant to make a conceptual presentation.

3.5.3 Final Development Plan Submittal Requirements

When a developer is applying for Final Development Plan Review pursuant to Section 3.5.5, B., he shall submit to the Development Regulations Administrator ten (10) copies of a Final Development Plan and

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all required exhibits. The following information shall be provided:

A. General Information

1. Name of development; names, addresses and telephone numbers of the developer, designer, professional engineer and registered surveyor.
2. Date of survey and plan preparation; north point and graphic scale.
3. Surveyor's certificate of accuracy.
4. Total acreage in tract, acreage in public or other land usage, total number of lots (if applicable), linear feet in streets.
5. Names and location of adjoining subdivisions and streets and the names of abutting property owners.
6. Existing zoning classification of the tract.
7. A vicinity map drawn at a scale of 1"=400', or such other scale deemed appropriate by the Town Engineer.
8. Other supplemental materials or any deed restrictions or protective covenants proposed for the development and any other information considered by either the developer or the Town Engineer to be pertinent to the review of the development.

B. Existing Site Data

1. Town limit lines (if applicable), property lines, rights-of-way, easements, streets, electrical utility lines, telephone utility lines and cable television lines, storm sewers, ditches and culverts, sanitary sewers, lift stations, water mains, fire hydrants, bridges and buildings.
2. Boundary survey of the tract to be developed with all bearings and distances indicated.
3. Water courses, ponds, wetland areas, and the jurisdictional boundary lines of the Florida Department of Environmental Regulation.
4. Areas of the 100-year flood and base flood elevations as determined by the Federal Emergency Management Agency.
5. Topographic survey of the site at one (1) foot vertical contour intervals based on mean sea level data furnished by a registered surveyor.
6. Specific soil types and their limitations for the planned use. Volusia County Soils Survey should be used. Borings may be required.
7. Exact sizes and locations on the lot of existing buildings and other structures.

C. Proposed Site Data

1. Street rights-of-way, driveways, off-street parking areas, pavement widths, grades and street names, street profiles, cross sections and sidewalks.
2. Other rights-of-way or easements including locations, dimensions and purposes.
3. Plans for sanitary sewers, storm sewers, water lines, telephone lines and cable television lines showing connections to existing systems. Storm and sanitary sewer profiles and cross sections shall also be provided.
4. Contour changes, dikes or any created water bodies or changed water courses.
5. Bulkheads and bridges, if any. Engineering plans and cross-sections shall be provided.

6. Lot layouts showing dimensions, lot and block numbers.
7. Parks, school sites and other public areas, if any.
8. Areas to be used for purposes other than residential and public, if any, indicating the purposes, location and dimensions of each.
9. Exact sizes and locations on the lot of any proposed buildings or other structures.

3.5.4 Record Subdivision Plat Submittal Requirements

When a subdivision plat is required pursuant to Section 3.4.6, the developer shall submit two (2) reproducible copies and two (2) prints of such plat, conforming to the Final Development Plan and the requirements of Chapter 177, Florida Statutes. In addition to any information required by Chapter 177, the plat shall include the following information:

1. Name of subdivision which was approved with the Preliminary Plan.
2. North arrow with graphic scale.
3. Names and locations of adjoining subdivisions and streets.
4. Subdivision boundary survey, lot lines, right-of-way lines, boundaries of all out-parcels, easement lines and boundaries of areas to be dedicated to public use, including linear dimensions, bearings or deflection angles, radii, arcs and central angles. (All dimensions shall be measured to the nearest one one-hundredth (1/100) of a foot and all angles to the nearest second.)
5. Accurate location and legal description of all monuments, markers and control points.
6. Lot and block numbers and street names.
7. Description of intended use for all easements.
8. Signed certificates as provided in Appendix A.
9. An improvements warranty in a form acceptable to the Town Attorney in an amount equal to ten percent (10%) of the cost of the subdivision improvements.
10. Any additional information required by Chapter 177, Florida Statutes, as amended.

SECTION 3.6 APPLICATION REVIEW FEES

3.6.1 Fees Required

Any applications for development review filed in the Town of Pierson pursuant to the requirements of these Regulations, including but not limited to subdivision of land, site plan review, rezoning, special exception, street vacation and other submittals for review and/or approval by the Planning Commission or the Town Council shall be accompanied by the fee established by Resolution of the Town Council before such application will be considered for further review.

3.6.2 Determination of Fees

The fees for review of development plans including subdivisions, site plans, rezonings, vacation, special exceptions, amendments to any subdivisions or site plans, re-submittals for any subdivisions or site plans shall be established by Resolution of the Town Council.

3.6.3 Engineering Inspection Fees

Prior to commencement of construction on a subdivision or other approved development plan requiring public improvements, a fee shall be paid to the Town for the cost of the Town Engineer's inspection of the public improvements. The engineering inspection fee shall equal the product of 0.0125 times the

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Engineer's estimated cost of the public improvements. The minimum fee shall be two hundred fifty dollars (\$250.00).

ARTICLE IV - CONSISTENCY AND CONCURRENCY DETERMINATIONS

SECTION 4.1 GENERALLY

The Pierson Concurrency Review and Certification Procedure (CRCP) is hereby established for the purpose of ensuring that the issuance of a final development order will not result in the degradation of the level of service for any facility located within the Town below the adopted level of service standard.

4.1.1 Purpose

It is the purpose of this Article to describe the requirements and procedures for determination of consistency of proposed development projects within the Town's Comprehensive Plan, including meeting the concurrency requirements of the plan.

SECTION 4.2 DETERMINATION OF CONSISTENCY

Section 163, Florida Statutes mandates that no land development regulations shall be enacted by a local government, and no land development orders or permits shall be issued, unless such regulations, orders or permits are consistent with the adopted Comprehensive Plan. For the purposes of complying with this provision, the Town Council of the Town of Pierson has determined that upon its initial adoption, these Unified Land Development Regulations are consistent with the Town's adopted Comprehensive Plan. Before adopting any amendments to these Regulations, the Town Council shall determine that such amendment is consistent with the Comprehensive Plan. Hereafter, it shall be presumed that any development that complies with these Regulations are also consistent with the Town's Comprehensive Plan.

SECTION 4.3 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

4.3.1 Generally

[Reserved]

4.3.2 Adopted Levels of Service Shall Not Be Degraded

A. General Rule

1. All applications for development orders shall demonstrate that the proposed development does not degrade adopted levels of service in the Town.
2. An application for a development permit shall demonstrate that the proposed development does not degrade adopted levels of service if there exists no Preliminary or Final Development Order under which the permit is sought, and no Preliminary or Final Development Order is required prior to the issuance of the permit, e.g., a residence on a parcel of unplatted land.
3. The latest point at which compliance with this article is determined is the Final Development Order. If no Final Development Order is required, the latest point to determine concurrency is the first development permit on a site.

B. Exceptions and Exemptions

1. Degradation of Level of Service During Construction - Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.
2. Projects with No Significant Impact - The following development projects are deemed to have no significant impact on level of service, and are exempted from this Article:

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- a. An alteration of development otherwise exempt under these Regulations which does not create additional impact on public facilities.
 - b. The construction of residential accessory buildings and structures which are not intended or likely to be inhabited
 - c. The replacement of an existing dwelling unit when no additional dwelling units are created.
 - d. Room additions to residences when no additional dwelling units are created.
 - e. Public school facilities.
 - f. Health care facilities to be constructed to meet the obligation to furnish health care services to indigents and residents.
 - g. Fire or rescue facilities operated by any governmental entity.
3. Vested Developments - Based upon the following four part test for vested rights:

1) Upon some act or omission of the Town, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired, and 4) that the development has commenced and is continuing in good faith,

The following developments are hereby determined to be vested for the purposes of this Article:

- a. Developments of Regional Impact as currently authorized under Section 380.06, Florida Statutes, which were issued as development orders by the Town Council on or before the effective date of these Regulations.
- b. Physical on-site construction if authorized by a building permit which had been issued on or before the effective date of these Regulations.
- c. Applications for final development plans tendered on or before the effective date of these Regulations. Any amendments or modifications to said development plans shall hereafter be subject to the provisions of this Article.
- d. Preliminary Subdivision Plats or Final Subdivision Plats approved by the Town Council on or before the effective date of these Regulations. Any amendments or modifications to said plats shall hereafter be subject to the provisions of this Article.
- e. Single family and duplex dwelling units and mobile homes on lots within subdivisions exempted by 4.3.2, B, 3, d.
- f. Developments authorized by a building permit issued by the Town on or before the effective date of these Regulations which has not expired.

4.3.3 Determination of Available Capacity

For purposes of these regulations the available capacity of a facility shall be determined by:

A. Adding Together The Following:

1. The total capacity of existing facilities;
2. 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:
 - a. Construction of the new facilities is under way at the time of issuance of the Final

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Development Order.

- b. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the Final Development Order.
- c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3202, Florida Statutes, or an agreement or Development Order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the capital improvements element of the Town's Comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- d. In the case of recreation facilities only, construction of such recreation facilities is guaranteed by a binding contract or an enforceable development agreement to commence not later than one year after issuance of a Development Permit.
- e. In the case of road facilities, construction of such road facilities is scheduled to commence within the first three years of the five-year schedule of capital improvements in the adopted Capital Improvement Element.

B. Subtracting From That Number The Sum of:

1. The demand for the service or facility created by existing development as documented in the Town's Comprehensive Plan; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

4.3.4 Action Upon Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

A. The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

B. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

C. The Town may approve the Development Order with conditions agreeable to both the Town and the developer. Such conditions shall be sufficient to ensure that the impact of the development will not degrade the level of service of any facility to a point below the adopted level of service standard for such facility.

4.3.5 Burden of Showing Compliance On Developer

The burden of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.

4.3.6 Initial Determination of Concurrency

The initial determination of Concurrency occurs during the review of the Preliminary Development Plan, and shall include compliance with the level of service standards adopted by the Town.

4.3.7 Expiration of a Concurrency Determination of Compliance

A determination of compliance with the provisions of this section shall be valid for as long as the Development Order on which the determination was based shall remain valid. Upon expiration of the Development Order, all capacity that had been allocated to the proposed development shall become available for reallocation to other eligible developments. A new determination of compliance with the provisions of this section shall be required before capacity can be reallocated to the proposed development.

4.3.8 Issuance of Certificates of Capacity

If it is determined that adequate capacity is available for a proposed development, a Certificate of Capacity shall be issued for such development. Every Certificate of Capacity shall show on its face the project name, the date of issuance, and the expiration date which shall be the same date as the expiration date of the Development Order on which the determination of compliance with this section was based.

4.3.9 Annual Report

A. Contents

The Town Planning Commission, with assistance from the Town staff, shall prepare an Annual Report on the CRCP that includes:

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
2. A summary of building permit activity, indicating:
 - a. those that expired without commencing construction;
 - b. those that are active at the time of the report;
 - c. the quantity of development represented by the outstanding building permits;
 - d. those that result from final development orders issued prior to the adoption of these Regulations; and
 - e. those that result from final development orders issued pursuant to the requirements of these Regulations.
3. A summary of preliminary development orders issued, indicating:
 - a. those that expired without subsequent final development orders;
 - b. those that are valid at the time of the report; and
 - c. the phases and quantity of development represented by the outstanding preliminary development orders.
4. A summary of final development orders issued, indicating:
 - a. those that expired without subsequent building permits;
 - b. those that were completed during the reporting period;
 - c. those that are valid at the time of the report but do not have associated building permits or construction activity; and
 - d. the phases and quantity of development represented by the outstanding final development orders.
5. An evaluation of each facility and service indicating:

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- a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
- b. the portion of the available capacity held for valid preliminary and final development orders;
- c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
- d. a comparison of actual capacity and levels of service to adopted levels of service from the Town's Comprehensive Plan.
- e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Town's Capital Improvements Element.

B. Approval of The Annual Report By The Town Council

The Town Council shall, after reviewing the Annual Report, approve it as received from the Planning Board or as amended.

C. Use of the Annual Report

Once approved by the Town Council, the CRCP Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following approval of the annual report.

SECTION 4.4 CRITERIA FOR DETERMINING CONCURRENCY

4.4.1 Traffic Circulation System

A. Level of Service Standards

The following Level of Service Standards shall apply:

Type of facility	Peak Hour Level of Service
Principal Arterial Roads	"C"
Minor Arterial Roads.....	"C"
Collector Roads.....	"D"
Local Roads.....	"E"

B. Determination of Project Impact

The impact of a proposed development on available capacity shall be determined as follows:

- 1. **Area of Significant Impact:** The area of significant impact of the development shall be the entire area under the Town's jurisdiction.
- 2. **Traffic Volumes Generated by the Development:** Traffic generated by the proposed development at build out shall be calculated in the following manner:
 - a. **ITE Rates:** The traffic generation rates published in the Institute of Transportation Engineers, Trip Generation Report, 4th Edition, 1989, unless the Town Council shall accept other rates which it finds to more accurately represent the proposed development.
 - b. **Local Conditions:** The Town Council may adopt by resolution other trip generation rates derived from local studies.

- c. **Comparable Developments:** Actual traffic counts used to establish trip generation rates for three (3) or more similar existing developments may be used for a proposed development located in the same general are, if approved by the Town Council, and the procedure is consistent with customary and accepted traffic engineering principals and practices. In deciding whether to use these counts, the Town Council shall consider the time of day, day of week, season of year and any other pertinent factors necessary to determine if the counts fairly indicate the anticipated impact of the proposed development.

The anticipated build-out period of the proposed development shall be specified in the application.

- 3. **Trip Capture Rates:** The Town acknowledges that some uses more than others tend to intercept or capture traffic that would otherwise occur. To the extent that these uses are capturing traffic, they are not generating new trips. Credit may be taken against the trip generation of a proposed development for these captured trips up to the percentage shown in Table IV-1. In order to claim a credit for captured trips, the developer must provide the following information: (1) the total volume of traffic generated by the proposed development as determined in accordance with 4.4.3, B., 2. and (2) the number of captured trips subtracted from the traffic generated by the proposed development when completely built out.

Uses other than those listed in Table IV-1 and any percentage credit proposed to be taken in excess of that shown in Table IV-1 must be justified based on customary and accepted traffic engineering principals and practices.

Table IV-1 - Maximum Percent of Total Generated Trips Captured from Passing Traffic

Shopping Centers with 100,000 to 400,000 square feet of floor area.....	30%
Shopping Centers with less than 100,000 square feet of floor area	40%
Supermarkets	45%
Hardware Stores	30%
Convenience Stores	45%
Fast Food Restaurants, Cocktail Lounges/Bars	60%
Full Service Restaurants	30%
Banks, Savings and Loans	50%
Day Care Centers	50%
Service Stations, Car Washes	60%
Offices.....	5%
Institutional Establishments.....	0%

- 4. **Assignment of Traffic:** Total traffic as determined in accordance with paragraph B, above, shall be assigned to each road link within the area of impact in conformance with the Comprehensive Plan and customary and accepted traffic engineering principals and practices.

C. Determination of Road Capacity

The maximum peak hour capacity on any given road at the adopted level of service standard shall be determined using the table identified as "Generalized Peak Hour Level of Service Maximum Volumes for Florida's Urban/Urbanized (5,000+) Areas", in the Florida Department of Transportation's Level of Service Standards and Guidelines Manual (1989).

D. Determination of Background Traffic

Background traffic shall be determined by adding together existing traffic as measured by actual traffic counts adjusted to peak hour volumes and anticipated peak hour volumes generated by developments which have been approved, but which are not yet reflected in the actual counts. The Development Regulations Administrator shall maintain a record of background traffic for all road links within the Town, and shall provide such information on request.

E. Determination of Available Capacity

Available capacity shall be determined by subtracting background traffic in the peak hour from total peak hour capacity.

F. Transportation Impact Analysis

A transportation impact analysis (TIA) in accordance with the Volusia MPO's Guidelines, a copy of which is available from the Town, will be required for developments that will generate 1,000 or more two-way external trips on a weekday or 100 or more peak hour two-way external trips or for developments generating less than these volumes if the Town Council, or their designee, determines that a TIA is necessary.¹

4.4.2 Potable Water

A. Level of Service Standard

The following level of service standard shall apply:

Minimum design flow- 280 gallons per day per equivalent residential unit (ERU)

B. Determination of Project Impact

The potable water required by a proposed development shall be determined based on the Equivalent Residential Unit (ERU) conversion factors set forth in the following table:

Table IV-2

Potable Water Demand Schedule

Category 1 - Residential Units:

Structures which are intended to be used as living accommodations, including customary accessory uses and structures, shall be considered one (1) ERU for purposes of this Section. Motel units and other short-term occupancy units are included in this category; however, in reference to these facilities, customary accessory uses and structures shall not include restaurants, lounges and other uses of a commercial character.

Category 2 - General Retail and Churches:

Structures include retail shops, light commercial establishment and churches, where sanitary facilities are used primarily by employees or, in the case of churches, are infrequently used. A value of one (1) ERU shall be applied to every two thousand (2,000) square feet of building floor area, with a minimum requirement of one (1) ERU per structure. The following are examples:

- a. Retail Stores
- b. Banks and Savings and Loans
- c. Barber and Beauty Shops

¹ Amended per Ordinance 09-05, August 25, 2009.

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- d. Professional Offices
- e. Grocery Stores
- f. Convenience Stores (without gas pumps)
- g. Churches

Category 3 - Commercial:

Establishments include service stations and convenience stores with gas pumps and other structures where sanitary facilities are primarily for use by customers or patrons. A value of one (1) ERU per establishment. The following are examples of such uses:

- a. Convenience Stores with Gas Pumps
- b. Automobile Service Stations

Category 4 - Institutional/Recreational Facilities:

Public meeting places or gathering establishments, educational, recreational and health-related facilities. A value of one (1) ERU is applicable for every one thousand (1,000) square feet of building floor area, with a minimum requirement of one (1) ERU per establishment. The following are examples of such uses:

- a. Schools
- b. Clubs
- c. Nursing Homes
- d. Hospitals - Health Care Facilities
- e. Auditoriums
- f. Movie Theaters
- g. Health and Fitness Centers
- e. Meeting and Banquet Rooms
- f. Parks (building floor area is for restroom facilities)

Category 5 - Food Service:

All establishments involved mainly in the preparation and serving of food and/or beverages on site for public consumption. A value of two and one-half (2.5) ERU per one thousand (1,000) square feet of building floor area is applicable, with a minimum requirement of two and one-half (2.5) ERUs per establishment. This category calculation accommodates both sanitary facilities for public use (i.e., restrooms) and water and waste water capacity requirements or food/beverage preparation and clean-up. The following are examples of such uses:

- a. Restaurant/Cafeteria
- b. Carry-out Restaurant
- c. Fast Food Restaurant
- d. Bars and Lounges

Category 6 - Warehousing and Storage Facilities:

Warehouses and storage facilities where sanitary facilities are used primarily by employees. . A rate of one (1) ERU for the first two thousand (2,000) square feet of building floor area, plus one (1) additional

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ERU for every four thousand (4,000) square feet over the first two thousand (2,000) shall be applicable. A minimum of one (1) ERU per structure is required. This rate applies only to sanitary facilities required for domestic use and does not include process-related water requirements.

Category 7 - High Water Demand Uses:

Those establishments with an expected high water demand. Examples and applicable water use rates are shown below. One (1) ERU shall be added to the total facility use calculations for sanitary facilities for employee and customer use.

- a. Commercial Laundry19 ERU per one thousand (1,000) square feet of building floor area
- b. Self Service Laundry 1.33 ERU per washing machine
- c. Car Washes 3.2 ERU per wash bay

Category 8 - Other Cases:

Facilities whose water flows differ significantly from those included in Categories 1 through 7. These facilities must be considered on an individual basis. Water usage will be determined based on demand estimates supplied by the developer. All such estimates must be accompanied by documented supporting evidence.

Rules of Interpretation: (Applicable to Table IV-2 and Table IV-3)

- a. Any use not specifically defined in Categories 1 through 7 will be assigned to one of the above categories by the Development Regulations Administrator. In making this determination, the Development Regulations Administrator is encouraged to consult with the Town Engineer.
- b. If a building or plumbing permit is issued for an existing connection which will increase water and/or waste water demand, or if a building changes from residential to non-residential occupancy, the total number of ERUs for the old and new parts of the facility shall be computed and the number of additional ERUs determined by subtracting the old ERUs from the new total number ERUs for the facility.
- c. In order to differentiate between grocery and convenience stores, and for the purposes of this section, convenience stores are defined as mercantile establishments which offer food and other products similar to those offered by grocery stores but with a more restricted selection. Convenience stores are therefore defined as establishments which have a gross building floor area not exceeding 3,000 square feet.
- d. An Equivalent Residential Unit (ERU) represents a nominal usage of 280 gallons of potable water per day and 234 gallons of waste water per day as determined by historical water/waste water use records and population/housing unit estimates.

C. Concurrency Evaluation:

The Town Engineer shall make a determination as to whether sufficient capacity is available to accommodate the proposed development. In making this determination, the Town Engineer shall consider the amount of capacity that has already been allocated, but not yet used.

4.4.3 Waste water

A. Level of Service Standard

Pending the availability of a central waste water collection, transmission and treatment facility, and as

authorized by the Pierson Comprehensive Plan, those standards established by the State of Florida (Chapter 10D-6, Florida Administrative Code) for use of septic tanks and drainfields may be substituted for the specified sanitary sewer level of service standard.

B. Determination of Project Impact

The waste water collection, transmission and treatment facility capacity required by a proposed development shall be determined based on the Equivalent Residential Unit (ERU) conversion factors set forth in the following table:

Table IV-3

Sanitary Sewer Service Demand Schedule

Category 1 - Residential Units:

Structures which are intended to be used as living accommodations, including customary accessory uses and structures, shall be considered one (1) ERU for purposes of this Section. Hotel units and other short-term occupancy units are included in this category; however, in reference to these facilities, customary accessory uses and structures shall not include restaurants, lounges and other uses of a commercial character.

Category 2 - General Retail and Churches:

Structures include general retail shops, light commercial establishments and churches, where sanitary facilities are primarily for use by employees or, in the case of churches, are infrequently used. A value of one (1) ERU should be applied to every two thousand (2,000) square feet of building floor area, with a minimum requirement of one (1) ERU per structure. The following are examples of such uses:

- a. Retail Stores
- b. Banks and Savings and Loans
- c. Barber and Beauty Shops
- d. Professional Offices
- e. Grocery Stores
- f. Convenience Stores (without gas pumps)
- g. Churches

Category 3 - Commercial:

Establishments include service stations and convenience stores with gas pumps and other structures where sanitary facilities are primarily for use by customers or patrons. A value of one (1) ERU per establishment. The following are examples of such uses:

- a. Convenience Stores with Gas Pumps
- b. Automobile Service Stations

Category 4 - Institutional/Recreational Facilities:

Public meeting places or gathering establishments, educational, recreational and health-related facilities. A value of one (1) ERU is applicable for every one thousand (1,000) square feet of building floor are, with a minimum requirement of one (1) ERU per establishment. The following are examples of such uses:

- a. Schools

----- *Article IV - Consistency and Concurrency Determinations* -----

- b. Clubs
- c. Nursing Homes
- d. Hospitals - Health Care Facilities
- e. Auditoriums
- f. Movie Theaters
- g. Health and Fitness Centers
- e. Meeting and Banquet Rooms
- f. Parks (building floor area is for restroom facilities)

Category 5 - Food Service:

All establishments involved mainly in the preparation and serving of food and/or beverages on site for public consumption. A value of two and one-half (2.5) ERU per one thousand (1,000) square feet of building floor area is applicable, with a minimum requirement of two and one-half (2.5) ERUs per establishment. This category calculation accommodates both sanitary facilities for public use (i.e., restrooms) and water and waste water capacity requirements or food/beverage preparation and clean-up. The following are examples of such uses:

- a. Restaurant/Cafeteria
- b. Carry-out Restaurant
- c. Fast Food Restaurant
- d. Bars and Lounges

Category 6 - Warehousing and Storage Facilities:

Warehouses and storage facilities where sanitary facilities are used primarily by employees. . A rate of one (1) ERU for the first two thousand (2,000) square feet of building floor area, plus one (1) additional ERU for every four thousand (4,000) square feet over the first two thousand (2,000) shall be applicable. A minimum of one (1) ERU per structure is required. This rate applies only to sanitary facilities provided for domestic use and does not include process-related waste water generation.

Category 7 - High Waste Water Generating Uses:

Those establishments with an expected high waste water generation. Examples and applicable waste water generation rates are shown below. One (1) ERU shall be added to the total facility use calculation for sanitary facilities for employee and customer use.

- a. Commercial Laundry19 ERU per one thousand (1,000) square feet of building floor area
- b. Self Service Laundry 1.33 ERU per washing machine
- c. Car Washes 3.2 ERU per wash bay

Category 8 - Other Cases:

Facilities whose waste water flows differ significantly from those included in Categories 1 through 7. These facilities must be considered on an individual basis. Waste water generation will be determined based on estimates supplied by the developer. All such estimates must be accompanied by documented supporting evidence.

Rules of Interpretation: The rules of interpretation applicable to Table IV-2 shall also apply to Table IV-3.

C. Concurrency Evaluation:

The Town Engineer shall make a determination as to whether sufficient capacity is available to accommodate the proposed development. In making this determination, the Town Engineer shall consider the amount of capacity that has already been allocated, but not yet used.

4.4.4 Drainage System

No development shall be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the Drainage Sub-element of the Town's Comprehensive Plan.

A. Level of Service Standard:

1. The discharge hydrograph produced for the newly developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a twenty-four hour, twenty-five-year frequency storm. However, the first one inch of rainfall for each storm falling on all areas caused by or resulting from the project shall be retained on site. In addition, the cumulative impact of the outflow hydrograph on downstream flow shall be considered. Run-off rates and volumes resulting from the project in excess of existing amounts, shall be accommodated on site.
2. For existing development, treatment of the first inch of run-off shall be required on sites of less than 100 acres, and the first one-half inch shall be treated on sites of 100 acres or more.
3. The amount of pollutants in stormwater discharged into a natural surface water body shall be reduced to a level meeting the Florida Water Quality Standards found in Chapter 17-3, Florida Administrative Code.

B. Concurrency Evaluation:

In order to meet the level of service standard for drainage, the developer shall demonstrate that the proposed development complies with the requirements of Article VII.

4.4.5 Solid Waste

A. Level of Service Standard:

The level of service standard for solid waste is 8.6 lbs. per capita per day.

B. Concurrency Evaluation:

The developer shall be required to obtain a letter of approval for the proposed development from the Volusia County Department of Public Works. Such letter shall clearly state that sufficient capacity is available in the County's landfill to satisfy the projected demand of the development in question. In lieu of a letter pertaining to an individual development, the Town may receive in advance from Volusia County a reservation of capacity sufficient to accommodate more than one development. In such case, the Town Engineer shall make a determination as to whether sufficient capacity is available to accommodate the proposed development. In making this determination, the Town Engineer shall consider the amount of capacity that has already been allocated, but not yet used.

4.4.6 Parks and Recreation Facilities

A. Level of Service Standard:

<u>Type of Park Facility</u>	<u>Level of Service</u>
Community Park.....	1 acre/1,000 population
Neighborhood Park.....	1 acre/1,200 population

B. Determination of Project Impact:

The impact of a proposed development on available capacity shall be determined as follows:

1. Area of Impact: The area of impact of the development shall be the entire area under the Town's jurisdiction.
2. Demand Generated by the Residential Development: Only residential development shall be considered to generate a demand for parks and recreation facilities. Facilities intended for short-term occupancy, including motels, shall not be considered to generate demand for parks and recreation facilities.
3. Generation Rates: For purposes of this section, each residential dwelling unit shall be considered to contain 2.34 persons (excludes non-resident population).

C. Determination of Park Capacity:

The maximum resident population that can be accommodated by existing parks at the adopted level of service standard shall be determined by multiplying the number of acres of existing parks by the applicable level of service standard. The adopted Comprehensive Plan shall be the source of existing park acreage.

D. Determination of Background Demand:

Background demand shall be determined by adding together existing resident population as reported in the latest available estimates from the University of Florida, Bureau of Economic and Business Research (BEER) added to the population anticipated to occupy dwelling units which have been approved, but which are not yet reflected in the BEER resident population estimate. The Development Regulations Administrator shall maintain a record of background demand, and shall provide such information on request.

E. Determination of Available Capacity:

Available capacity shall be determined by subtracting background demand from total park capacity.

This figure was derived by multiplying 120 gallons per capita per day (the level of service standard set forth in the Comprehensive Plan) by 2.34 persons per household.

ARTICLE V - ZONING: USE, DENSITY AND INTENSITY

SECTION 5.1 ESTABLISHMENT OF ZONING DISTRICTS

The incorporated area of the Town of Pierson is hereby divided into the zoning districts specified below, in the manner shown on the Official Zoning Map.

ZONING DISTRICTS

<u>Zoning District</u>	<u>General Description</u>	<u>Page</u>
C	Conservation	73
ELD	Environmentally Limited Development Area.....	75
A-1	Agriculture	76
RR	Rural Residential Development.....	78
RE	Low Density Single-Family Estate Development ¹	79
R-1	Low Density Single-Family Residential Development	80
R-2	Low-Medium Density Single-Family Residential Development.....	81
R-3	Medium Density Single-Family Residential Development	82
MH-1	Medium Density Mobile Home Development.....	84
MH-2	Medium Density Mixed Residential Development	85
B-1A	General Retail Commercial (Low Intensity) Development ²	86
B-1	General Retail Commercial Development.....	88
B-2	Heavy Commercial and Industrial Development.....	90

SECTION 5.2 OFFICIAL ZONING MAP

5.2.1 Identification of Official Zoning Map

A. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Article V of the Unified Land Development Regulations of the Town of Pierson, Florida."

B. If, in accordance with Section, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council with an entry on the Official Zoning Map as follows: "On [date], by official action of the Town Council the following change was made to the Official Zoning Map: [brief description of change]", which entry shall be signed by the Mayor and attested by the Town Clerk. No amendment of this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made to the Official Zoning Map, or matter thereon shown, except in conformity with the procedures set forth in this Article.

C. Regardless of the existence of purported copies of this Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be secured in the office of the **Town**

¹ As amended per Ordinance 07-08, October 23, 2007.

² As amended per Ordinance 07-09, November 27, 2007.

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Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town.

D. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date of adoption of map being replaced] as part of Ordinance No. ____ of the Town of Pierson, Florida."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

5.2.2 Interpretation of District Boundaries

The following rules of interpretation shall be used to locate the district boundaries shown on the Official Zoning Map:

A. Boundaries Following Streets: Boundaries following, or approximately following the center lines of streets shall be construed to follow those center lines. If a street is vacated, the district boundary shall be construed to remain in its same location, except when ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.

B. Boundaries Following Lot Lines: Boundaries following, or approximately following, platted lot lines shall be construed to follow those lot lines.

C. Boundaries Following Town Limits: Boundaries following, or approximately following Town limits shall be construed to follow those Town limits.

D. Boundaries Following Water Bodies: Boundaries following, or approximately following, the shorelines of water bodies shall be construed to follow and move with those shorelines. Boundaries following, or approximately following, the center lines of streams, rivers, canals, lakes, or other bodies of water, shall be construed to follow and move with those center lines.

E. Boundaries Entering Any Body of Water: Boundaries entering any body of water, but not continuing to intersect with other zoning boundaries, shall be construed to extend in the same direction in which they entered the body of water, until they intersect with other zoning boundaries.

F. Increase of Incorporated Area by Municipal Annexation: If Town limits change through annexation, no different use or change in density may be made of the property annexed until an appropriate zoning classification for it has been assigned in the manner prescribed by law.

G. Boundaries Parallel to or Extensions of Above Features: Boundaries apparently parallel to, or extensions of the features indicated in A through F above, shall be construed to be parallel to, or extensions of those features, as the case may be.

H. Other Cases: Boundaries splitting existing lots in subdivisions and any other boundaries not determined by the above rules, shall be determined by reference to the expressed distances on, or the scale of the Official Zoning Map. If the existing lot will not accommodate any of the uses permitted in the multiple classifications indicated thereon, a rezoning to an appropriate classification, as determined by the Town, shall be required.

SECTION 5.3 SCOPE

These regulations shall apply uniformly to all premises.

5.3.1 Zoning Affects All Premises

No premises shall hereafter be used or occupied, and no principal building or accessory structure shall be hereafter erected, constructed, moved, or altered except in conformity with this article.

5.3.2 Interpretation of Uses and Structures Permitted

A requested use or structure that is not expressly permitted in a classification shall be prohibited in that classification.

5.3.3 Yard, Lot Coverage, Floor Area, and Building Height Requirements

Every principal or accessory structure to be erected upon a lot shall meet all yard, lot coverage, floor area and building height requirements of its classification unless otherwise expressly permitted by these Regulations.

5.3.4 Multiple Use of Required Space Prohibited

No part of a yard, or other required open space, or of the off-street parking or loading spaces for one structure, shall be included as part of a yard, open space, or off-street parking or loading space requirements for any other structure.

5.3.5 Reduction of Lot Area and Width Prohibited

No lot existing on the effective date of this Ordinance shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of non-conforming lots (refer to Section 5.4.1, A.) or Cluster Subdivision lots (refer to the definition of "Subdivision, Cluster").

SECTION 5.4 NON-CONFORMITY

5.4.1 Types of Non-Conformity

Within the classifications established by these Regulations, there may exist: (a) lots, (b) uses of premises, and (c) structures which lawfully existed before these Regulations was effective or amended, but which would be prohibited, regulated or restricted under the terms of these Regulations. These non-conformities may continue in their present condition, but shall not be enlarged, expanded, extended or used for adding other structures or uses prohibited elsewhere in the same classification.

There are three types of non-conformity:

A. Non-conforming Lots:

In any classification, principal and accessory structures otherwise authorized under these regulations may be erected or constructed on any single non-conforming lot which existed, separate and apart from other adjoining lots owned by the same person, on the effective date of adoption or amendment of this Ordinance, if all classification requirements other than lot area or width are met. If more than one non-conforming lot with continuous frontage exists in a single ownership, at the time of passage or amendment of these Regulations, the land involved must be combined to meet all classification requirements.

B. Non-conforming Lots Created by Eminent Domain Proceedings:

Any lot or parcel which shall be made non-conforming as a result of eminent domain proceedings instituted by the Town of Pierson or any other governmental agency, or through voluntary conveyance by such lot or parcel owner in lieu of formal eminent domain proceedings, which lot or parcel except for such eminent domain or voluntary conveyance would be an otherwise conforming lot or parcel, shall be deemed to be a conforming lot or parcel for all purposes under these Regulations. However, all yard

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requirements of the district in which the lot or parcel is located shall control any new construction or building addition.

C. Non-conforming Use of a Premises:

In any classification, a lawful principal or accessory use of a premises existing on the effective date of adoption or amendment of these Regulations, but not permitted thereafter, may continue, or be resumed if destroyed, provided:

1. It is not enlarged, increased, or extended to occupy a greater area than was occupied on the effective date of adoption or amendment of these Regulations;
2. It is not moved in whole or part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of these Regulations; and
3. No additional structure is constructed or erected in connection with such non-conforming use.

This section shall not be construed to permit the continued parking of any vehicles or watercraft in violation of the applicable provisions of these Regulations after its effective date.

D. Non-conforming Structure:

In any classification, a lawful structure existing on the effective date of adoption or amendment of this Ordinance, that could not thereafter be built because of classification dimensional or other requirements, may still be used, provided:

1. It is not enlarged or altered in a way which increases its non-conformity; (it may be altered to decrease its non-conformity, however.)
2. If it is damaged in excess of sixty-five (65) percent of its then assessed value, any reconstruction shall comply with these Regulations;
3. If it is moved for any reasons, or for any distance, it shall thereafter conform to these Regulations.

E. Involuntary Moves:

Section 5.4.1, B and C are not intended to apply to involuntary movements of uses or structures as a result of condemnation actions or other litigation.

5.4.2 Abandonment of Non-Conforming Use of A Premises

Whenever a non-conforming use of a premises has been discontinued for a period of one (1) year, it shall not thereafter be re-established and any future use shall conform to these Regulations. This limitation, however, shall not apply to modified or new uses established in existing structures when the following conditions are met:

1. Such uses are deemed no more objectionable than the previously existing nonconforming use. Modified or new uses may be deemed to be no more objectionable than the previously existing non-conforming use when:
 - i) The parking demand for the modified or new use will not be greater and the modified or new use will not generate more traffic than the previously existing non-conforming use;
 - ii) The modified or new use will not be an expansion in size, impact or effect of a non-conforming use upon the surrounding neighborhood including, without limitation, objectionable conditions, glare, visual pollution, noise pollution, air emissions, vehicular traffic, storage of

equipment, materials and refuse and on-street parking;

iii) In a business or industrial district, the modified or new use will not constitute an activity included under a different category of permitted use in Section 5.5 District Regulations, and the modified or new use will be similar in operation to the previously discontinued use including, without limitation, hours of operation, parking needs, trips generated, number of employees, and noise impact on adjacent properties, or iv) In a residential district, the modified or new use will add an additional dwelling unit or will require additional parking.

2. The structure housing such use and other physical features of the site represent a "substantial" investment in property improvements, and it would not be financially feasible and practicable to adapt such improvements (or use by any permitted principal use or permitted special exception; and

3. The structure housing such use meets, or can be repaired to meet, the municipal code requirements for the use proposed; and

4. The structure housing such use has a viable, useful life beyond the date of discontinuance; and

5. Buffers and building appearances exist, or are proposed, that will provide reasonable compatibility with the neighborhood in which the structure is located.

These determinations shall be made by the Town Council.³

SECTION 5.5 DISTRICT REGULATIONS

The following district classifications and their included regulations are established:

5.5.1 C, Conservation Classification

A. Purpose and Intent:

The purpose and intent of the C classification is to encourage and promote the conservation of the wetlands ecological communities, and to preserve those conditions and characteristics which promote water quality maintenance, wildlife resource habitats, and flood storage. Additionally, it is intended to discourage and prevent urban development on lands that are unsafe for such use because of a potential for flooding, inadequate accessibility, ground instability, or other conditions.

B. Permitted Principal Uses and Structures:

In the C classification, only the following uses and structures are permitted, notwithstanding applicable regulations of the County, State or Federal governments:

Single family dwellings constructed on pilings or column footings where necessary to elevate floor level above the applicable regulatory flood elevation.

Essential utility services.

Access drives for single family residences.

Elevated boardwalks.

Aquatic preserves.

Fishing, hunting and wildlife management areas.

³ As amended by Ordinance 01-01, February 28, 2001.

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Historical sites and structures.

Nature preserves and passive recreational activities and facilities.

Facilities for the study of historic and ecological sites.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

Publicly owned lands that lie within any Conservation district shall be used only for resource-based, passive recreation and open space uses such as walkways, piers and docks elevated on pilings.

C. Permitted Special Exceptions:

Public utility uses and structures (Refer to Section 5.6.6, C).

D. Prohibited Uses:

The following uses are prohibited in any C district:

Land uses requiring the generation, use or storage of toxic or hazardous materials or waste shall be prohibited in any Conservation district.

E. Dimensional Requirements:

1. Minimum Lot Size for Single Family Dwellings:
 - a. Area - twenty (20) acres; however, the minimum lot area may be as small as one (1) acre when development is clustered and the maximum density set for in 5.5.1, F is not exceeded.
 - b. Width - 150 ft.
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 50 ft.
 - c. Side - 25 ft.
 - d. Waterfront - 50 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: While it is intended that lands in this classification be maintained to the greatest degree possible in a natural, undisturbed condition, no maximum lot coverage requirement is specified.
5. Minimum Floor Area - None.

F. Maximum Density: one (1) dwelling unit per twenty (20) acres.

G. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

H. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

I. Development Plan Review Standards: In addition to the standards listed in Section 3.3, the Town Council shall consider the following standards in determining whether a site plan for development in a C district shall be approved:

1. Clustering of development on upland portions of lots shall be required when wetland areas exist on a site.

2. For privately owned lots of record on August 27, 1991 that lie entirely within wetlands or do not contain sufficient uplands to permit use of the property without developing in the wetlands, then the amount of development shall be limited to the minimum amount necessary to permit construction of a dwelling on pilings. The Town may vary setback requirements to allow transfer of the density from the wetlands to the upland portion of the site; however, when setback reductions cannot accommodate the location of the dwelling, compensatory mitigation of wetlands of the same type, form and function shall be required. Creation of new wetlands as mitigation shall avoid ecologically valuable uplands including, but not limited to bird nesting colonies, migratory wildlife corridors and rare or endangered ecosystems.
3. The development does not involve the unnecessary removal or destruction of any natural vegetation. Clearing of vegetation may occur anywhere within twenty-five (25) feet of the area actually covered by the principal building and within the area used for vehicular access to the building site, not exceeding twenty (20) feet in width.
4. A minimum twenty-five (25) feet wide upland buffer of native vegetation has been maintained adjacent to wetlands and water bodies.
5. The flood storage capacity of the site is not reduced by the addition of fill material to the site.
6. The natural drainage patterns are maintained to the greatest extent possible.
7. Adequate erosion control measures are put into effect.
8. Sanitary sewer systems, including septic tanks, are designed so that they can continue to function during flood conditions without discharging inadequately treated effluent.
9. Any structures erected, placed or constructed on the site are likely to withstand the flood depth, pressure, velocity, impact and uplift forces associated with the regulatory flood.

5.5.2 ELD, Environmentally Limited Development Area Classification

A. Purpose and Intent:

The purpose and intent of the ELD classification is to promote an approach to the development and use of lands that is sensitive to certain inherent environmental constraints including, but not limited to, poor soil conditions, high erosion potential, flood hazards, wildlife habitat suitability, etc. Creative development techniques, including cluster development, which fulfill this purpose and intent should be encouraged.

B. Permitted Principal Uses and Structures:

In any ELD district, no premises shall be used except for the following uses and structures:

Single family dwellings, and their customary accessory uses or structures.

Nature preserves and passive recreational activities and facilities.

Facilities for the study of historic and ecological sites.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

C. Permitted Special Exceptions:

Residential cluster subdivisions not exceeding 0.8 dwelling units per acre (1 dwelling unit per 1-1/4 acres) of usable land in the project area may be permitted as a Special Exception provided the requirements set forth below and in Section 5.6.6, I. are met. (See the definition of "Density").

1. Sixty (60) percent or more of the total project area shall be retained as common open space. All such area shall be permanently dedicated to the residents of the project area or to the

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general public for environmental preservation or recreational use, whichever is determined by the Town Council to be most appropriately related to the purpose and intent of this zoning classification and the goals and objectives of the Town's Comprehensive Plan. The method of dedication and the provisions for maintenance of the common open space shall be approved by the Council upon recommendation of the Town Attorney.

2. The application for Special Exception clearly demonstrates with appropriate engineering data and other documentation that the proposed development will better serve the purpose and intent of this zoning classification.
3. The increased residential density permitted by this Special Exception does not place an undue burden on roads, utilities and other public facilities.
4. Dimensional requirements for any dwelling type developed under this Special Exception provision shall be the same as the dimensional requirements for similar dwelling types in the R-4 districts.

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - two and one-half (2-1/2) acres.
 - b. Width - 150 ft.
2. Minimum Yard Size:
 - b. Front - 30 ft.
 - c. Rear - 50 ft.
 - d. Side - 20 ft.
 - e. Waterfront - 50 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
5. Minimum Floor Area - 1,000 sq. ft.

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

F. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

5.5.3 A-1, Agricultural Classification

A. Purpose and Intent:

The purpose and intent of the A-1 classification is to promote and protect agricultural and horticultural production in areas where soils are particularly well suited for such uses, and where such uses are already well established. Low density residential development consistent with the character of proposed and existing A-1 zoned areas is also appropriate.

B. Permitted Principal Uses and Structures:

In any A-1 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

- Commercial agricultural and horticultural production
- Single family dwellings and customary accessory buildings incidental thereto.
- Ferneries and horticultural nurseries
- Family business offices.
- Parks and recreation areas and facilities accessory to residential developments.
- Essential utility services.
- Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

C. Permitted Special Exceptions:

- Home Occupations.
- Public Uses.
- Public Utility Uses and Structures (refer to Section 5.6.6, C).
- Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).
- Residential Cluster Subdivisions (refer to Section 5.6.6, H).
- Accessory Mobile Homes for Farmworkers or Security Personnel (refer to Section 5.6.6, L).
- Community Residential Homes (refer to Section 5.6.6, K).
- Child care centers (refer to Section 5.6.6, A).
- Fern packing house (refer to Section 5.6.6, M).
- Bed and Breakfast Homestays (refer to Section 5.6.6, O).⁴
- Accessory Dwelling Units (refer to Section 5.6.6, P).

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 5 acres
 - b. Width - 300 ft.
 - c. Depth - None
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 30 ft.
 - c. Side - 20 ft.
 - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings

⁴ As amended by Ordinance 96-1 on February 13, 1996.

shall not exceed 20%.

5. Minimum Floor Area - None.

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

5.5.4 RR, Rural Residential Development Classification

A. Purpose and Intent:

The purpose and intent of the RR classification is to provide low density residential developments, preserving the character of existing or rural residential neighborhoods.

B. Permitted Principal Uses and Structures:

In any RR district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferneries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

C. Permitted Special Exceptions:

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Keeping of livestock or fowl for commercial breeding, food production, or sale (refer to Section 5.6.6, I).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed Breakfast Homestays (refer to Section 5.6.6, O).⁵

Accessory Dwelling Units (refer to Section 5.6.6, P).

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 1 acre

⁵ As amended by Ordinance 96-1 on February 13, 1996.

- b. Width - 200 ft.
- c. Depth - 200 ft.
- 2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 30 ft.
 - c. Side - 20 ft.
 - d. Waterfront - 25 ft.
- 3. Maximum Building Height - 35 ft.
- 4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 20%.
- 5. Minimum Floor Area - 1,500 sq. ft.⁶

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

5.5.5A R-E, Low Density Single Family Estate Development Classification⁷

A. Purpose and Intent:

The purpose and intent of the R-E classification is to provide areas within the Town for new low density single family residential estate development with larger minimum floor area requirements and to encourage developers to create and enforce covenants and restrictions for architectural/design standards and property maintenance.

B. Permitted Principal Uses and Structures:

In any R-E district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

C. Permitted Special Exceptions:

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Accessory Dwelling Units (refer to Section 5.6.6, P).

⁶ As amended per Ordinance 08-06, October 14, 2008.

⁷ As amended per Ordinance 07-08, October 23, 2007.

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 22,000 sq. ft.
 - b. Width - 100 ft.
 - c. Depth - 100 ft.
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 30 ft.
 - c. Side - 10 ft.
 - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 30%.
5. Minimum Floor Area - 1,800 sq. ft.

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

5.5.5 R-1, Low Density Single Family Residential Development Classification

A. Purpose and Intent:

The purpose and intent of the R-1 classification is to provide low density residential developments, preserving the character of existing or proposed residential neighborhoods.

B. Permitted Principal Uses and Structures:

In any R-1 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferneries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

C. Permitted Special Exceptions:

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).⁸

Accessory Dwelling Units (refer to Section 5.6.6, P).

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 22,000 sq. ft.
 - b. Width - 100 ft.
 - c. Depth - 100 ft.
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 30 ft.
 - c. Side - 10 ft.
 - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 30%.
5. Minimum Floor Area - 1,200 sq. ft.

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

5.5.6 R-2, Low-Medium Density Single Family Residential Development Classification

A. Purpose and Intent:

The purpose and intent of the R-2 classification is to provide low-medium density residential developments, preserving the character of existing or proposed residential neighborhoods.

B. Permitted Principal Uses and Structures:

In any R-2 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferrieries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential Utility Services.

⁸ As amended by Ordinance 96-1 on February 13, 1996.

C. Permitted Special Exceptions:

Home Occupations.

Public Uses.

Public utility uses and structures (refer to Section 5.6.6, C).

Recreational Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential cluster subdivisions (refer to Section 5.6.6, H).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).

Accessory Dwelling Units (refer to Section 5.6.6, P).

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 16,500 sq. ft.
 - b. Width - 100 ft.
 - c. Depth - 100 ft.
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 25 ft.
 - c. Side - 10 ft.
 - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
5. Minimum Floor Area - 1,200 sq. ft.

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

5.5.7 R-3, Medium Density Single Family Residential Development Classification

A. Purpose and Intent:

The purpose and intent of the R-3 classification is to provide medium density residential development, preserving the character of existing or proposed residential neighborhoods.

⁹ As amended by Ordinance 96-1 on February 13, 1996.

B. Permitted Principal Uses and Structures:

In any R-3 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferneries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

C. Permitted Special Exceptions:

Home Occupations.

Public uses.

Public utility uses and structures (refer to Section 5.6.6, C).

Recreational areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).¹⁰

Accessory Dwelling Units (refer to Section 5.6.6, P).

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 14,520 sq. ft.
 - b. Width - 85 ft.
 - c. Depth - 100 ft.
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 25 ft.
 - c. Side - 20 ft. combined; minimum of 8 ft. on any one side
 - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
5. Minimum Floor Area - 1,000 sq. ft.

¹⁰ As amended by Ordinance 96-1 on February 13, 1996.

E. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

5.5.8 MH-1, Medium Density Mobile Home Classification

A. Purpose and Intent:

The intent of this classification is to provide for the development of mobile home parks and subdivisions.

B. Permitted Principal Uses and Structures:

Mobile home subdivisions.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

C. Permitted Accessory Uses and Structures:

Uses customarily associated with, dependent on and incidental to, the permitted principal use.

Mobile home community management offices.

Mobile home community service facilities, including laundries, recreation halls, swimming pools, tennis courts, cabanas, maintenance and utility buildings, carports and garages.

D. Special Exceptions:

Public utility uses and structures (refer to Section 5.6.6, C).

Recreation areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Schools (parochial or private) (refer to Section 5.6.6, E).

Nursing homes, boarding houses and adult congregate living facilities approved and licensed by the appropriate state agency (refer to Section 5.6.6, F).

E. Dimensional Requirements:

1. Minimum Lot Size:
 - a) Area - 14,520 sq. ft.
 - b) Width - 85 ft.
 - c) Depth - 100 ft.
2. Minimum Yard Size:
 - a) Front - 25 ft.
 - b) Rear - 25 ft.
 - c) Side - 20 ft. combined; minimum of 8 ft. on any one side.
 - d) Waterfront - 50 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.

5. Minimum Floor Area - 600 sq. ft.

F. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

G. Landscape Buffer Requirements: A landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

H. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

5.5.9 MH-2, Medium Density Mixed Residential Development Classification

A. Purpose and Intent:

The intent of this classification is to provide for the development of residential areas with a mixture of mobile homes, conventional, site built single family dwellings, and factory-built single family dwellings.

B. Permitted Principal Uses and Structures:

Mobile homes.

Site-built, single family dwellings.

Factory-built, single family dwellings.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

C. Permitted Accessory Uses and Structures:

Uses customarily associated with, dependent on and incidental to, the permitted principal use.

Mobile home community management offices.

Mobile home community service facilities, including laundries, recreation halls, swimming pools, tennis courts, cabanas, maintenance and utility buildings, carports and garages.

D. Permitted Special Exceptions:

Public utility uses and structures (refer to Section 5.6.6, C).

Recreation areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Schools (parochial or private) (refer to Section 5.6.6, E).

Nursing homes, boarding houses and adult congregate living facilities approved and licensed by the appropriate state agency (refer to Section 5.6.6, F).

Accessory Dwelling Units (refer to Section 5.6.6, P).

E. Dimensional Requirements:

1. Minimum Lot Size:
 - a) Area - 14,520 sq. ft.
 - b) Width - 85 ft.
 - c) Depth - 100 ft.
2. Minimum Yard Size:

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- a) Front - 25 ft.
 - b) Rear - 25 ft.
 - c) Side - 20 ft. combined; minimum of 8 ft. on any one side.
 - d) Waterfront - 50 ft.
3. Maximum Building Height - 35 ft.
 4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
 5. Minimum Floor Area - 600 sq. ft.

F. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

G. Landscape Buffer Requirements: A landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

H. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

5.5.10 A B-1A, General Retail Commercial (Low Intensity) Development Classification¹¹

A. Purpose and Intent:

The purpose and intent of the B-1A classification is to provide areas for business, retail, office and other commercial enterprises which support the resident and transient populations of the Town and surrounding areas at relatively low intensity. This land use classification is most appropriately applied outside the central areas of the Town.

B. Permitted Principal Uses and Structures:

In any B-1A district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Automobile service stations (Type A & C).

Business and personal services.

Clinic, medial or dental.

Community facilities.

Essential utility services.

Financial institutions.

Hotel, motels and similar lodgings.

Offices and business uses.

Parks, recreation and open space.

Restaurants (Type A & B).

Retail sales and services.

¹¹ As amended per Ordinance 07-09, November 27, 2007.

C. Prohibited Uses:

The following uses are prohibited in any B-1A district:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except handicrafts), cement, gypsum, lime, plaster of Paris, coke creosote, dextrin, glucose, starch, dye, explosives or fireworks (or storage of explosives or fireworks), fertilizer, gas (fuel or illuminating), in excess of one thousand (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet, except in a municipal or public service plant, gelatin or glue or size from fish or animal refuse or offal, hair hydrochloric, nitric, picric, sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match, pyroxylin or articles thereof or storage in excess of five hundred (500) pounds, rubber, or treatment thereof involving offensive odor, tar, turpentine or varnish; blast furnace, coal, junk or wood yard; distillation of bones, coal, wood or tar or manufacture of any of their products; drop forge, fat, grease, lard, or tallow manufacture, refining or rendering; flour or gristmill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal or refuse except by the Town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or mill; petroleum or other inflammable liquids -- production or refining of or storage above ground in excess of one thousand (1,000) gallons; slaughtering or stock yards; tanning, curing or storage of raw hides or skins; tire recapping.

Sale and storage of explosives and fireworks.

Also prohibited are any other uses detrimental to a neighborhood because of odor, smoke, dust fumes, fire, vibration, or hazardous because of danger of fire or explosion.

D. Permitted Special Exceptions:

Child care centers (refer to Section 5.6.6, A).

Commercial recreational uses and structures.

Houses of worship (refer to Section 5.6.6, B).

Only one single family dwelling for the owner or manager of a permitted principal use.

Utility, transportation and communication facilities (refer to Section 5.6.6, C).

Schools, public or private

E. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 10,000 sq. ft.
 - b. Width - 100 ft.
2. Minimum Yard Size:
 - a. Front - 35 ft.
 - b. Side & Rear - 10 ft. unless abutting any residentially zoned property, then 35 ft.
 - c. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Floor Area Ratio (F.A.R.): The F.A.R. shall not exceed .35.

F. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

G. Landscape Buffer Requirement: Landscaped buffers meeting the requirements of Section 5.6.5 shall be constructed.

H. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

I. Parcels located in the US Highway 17 corridor Overlay District as shown on Exhibit “A”, Ordinance 09-01, are required to meet the requirements of Section 5.6.10.¹²

5.5.10 B-1, General Commercial Development Classification

A. Purpose and Intent:

The purpose and intent of the B-1 classification is to provide areas for a broad range of retail commercial and business establishments which meet the frequent needs of the residents of Pierson.

B. Permitted Principal Uses and Structures:

In any B-1 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Automobile service stations (Type A & C).

Business and personal services.

Car washes.

Essential utility services.

Financial institutions.

General offices.

Laundry and dry cleaning establishments.

Restaurants (Type A & B).

Retail sales and services.

Any dwelling existing on or before March 28, 2006.¹³

Automobile sales and repair.¹⁴

Veterinary Clinic¹⁵

C. Prohibited Uses:

The following uses are prohibited in any B-1 district:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except handicrafts), cement, gypsum, lime, plaster of Paris, coke creosote, dextrin, glucose, starch, dye, explosives or fireworks (or storage of explosives or fireworks), fertilizer, gas (fuel or illuminating), in excess of one thousand (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet, except in a municipal or public service plant, gelatin or glue or size from fish or animal refuse or offal, hair hydrochloric, nitric, picric, sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match, pyroxylin or articles thereof or storage in excess of five hundred (500) pounds, rubber,

¹² As amended by Ordinance 08-09, October 14, 2008

¹³ As amended by Ordinance 06-06, March 28, 2006.

¹⁴ As amended by Ordinance 06-09, July 25, 2006

¹⁵ As amended by Ordinance 07-12, November 27, 2007

or treatment thereof involving offensive odor, tar, turpentine or varnish; blast furnace, coal, junk or wood yard; distillation of bones, coal, wood or tar or manufacture of any of their products; drop forge, fat, grease, lard, or tallow manufacture, refining or rendering; flour or gristmill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal or refuse except by the Town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or mill; petroleum or other inflammable liquids -- production or refining of or storage above ground in excess of one thousand (1,000) gallons; slaughtering or stock yards; tanning, curing or storage of raw hides or skins; tire recapping.

Sale and storage of explosives and fireworks.

Also prohibited are any other uses detrimental to a neighborhood because of odor, smoke, dust fumes, fire, vibration, or hazardous because of danger of fire or explosion.

D. Permitted Accessory Uses and Structures:

Any accessory use customarily incidental to a permitted principal use.

One detached single family dwelling (a “standard dwelling” or “manufactured residential building”) or one dwelling unit within or attached to a permitted principal building.¹⁶

E. Permitted Special Exceptions:¹⁷

Child care centers (refer to Section 5.6.6, A).

Clinic, medical or dental.

Entertainment and recreational uses and structures.

Houses of worship (refer to Section 5.6.6, B).

Mini-warehouses (refer to Section 5.6.6, G).

Nursing homes and adult congregate living facilities (refer to Section 5.6.6, F).

Public uses.

Public utility uses and structures (refer to Section 5.6.6, C).

Schools (parochial or private) (refer to Section 5.6.6, E).

F. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 10,000 sq. ft.
 - b. Width - 100 ft.
2. Minimum Yard Size:
 - a. Front - 35 ft.
 - b. Side & Rear - 10 ft. unless abutting any residentially zoned property, then 35 ft.
 - c. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.

¹⁶ As amended by Ordinance 06-06, March 28, 2006.

¹⁷ Same

G. Off-Street Parking and Loading Requirements: Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

H. Landscape Buffer Requirement: Landscaped buffers meeting the requirements of Section 5.6.5 shall be constructed.

I. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

J. Parcels located in the US Highway 17 corridor Overlay District as shown on Exhibit "A", Ordinance 09-01, are required to meet the requirements of Section 5.6.10.¹⁸

5.5.11 B-2, Heavy Commercial and Industrial Development Classification

A. Purpose and Intent:

The purpose and intent of the B-2 classification is to provide areas for the operation of heavy commercial, manufacturing, processing, storage, wholesaling, and distribution uses. The regulations are intended to prevent frictions between uses within the districts and to protect nearby residential areas, schools and other incompatible uses from the potentially harmful or annoying effects of uses permitted in the B-2 districts.

B. Permitted Principal Uses and Structures:¹⁹

In any B-2 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Automobile service stations (Type A & C).

Building material sales for buildings and yards.

Cold storage and freezer locker plants.

Contractor and construction offices and equipment storage.

Farm machinery, sales and service.

Food and beverage processing and distribution, except the slaughter of animals.

Printing, engraving and publishing establishments.

Paint and body shops.

Open storage of non-combustible materials.

Sale and storage of guns, firearms, ammunition, explosives, fireworks and gunpowder.

Wholesale sales.

Warehousing and distribution.

Light manufacturing and assembly.

Essential utility services.

Any dwelling existing on or before March 28, 2006.²⁰

¹⁸ As amended per Ordinance 09-01, January 13, 2009.

¹⁹ As amended per Ordinance 97-1, January 14, 1997

Automobile sales and repair.²¹

C. Prohibited Uses:

The following uses are prohibited in any B-2 district:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except handicrafts), cement, gypsum, lime, plaster of Paris, coke creosote, dextrin, glucose, starch, dye, explosives or fireworks (or storage of explosives or fireworks), fertilizer, gas (fuel or illuminating), in excess of one thousand (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet, except in a municipal or public service plant, gelatin or glue or size from fish or animal refuse or offal, hair hydrochloric, nitric, pectic, sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match, pyroxylin or articles thereof or storage in excess of five hundred (500) pounds, rubber, or treatment thereof involving offensive odor, tar, turpentine or varnish; blast furnace, coal, junk or wood yard; distillation of bones, coal, wood or tar or manufacture of any of their products; drop forge, fat, grease, lard, or tallow manufacture, refining or rendering; flour or gristmill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal or refuse except by the Town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or mill; petroleum or other inflammable liquids -- production or refining of or storage above ground in excess of one thousand (1,000) gallons; slaughtering or stock yards; tanning, curing or storage of raw hides or skins; tire recapping.

Also prohibited are any other uses detrimental to a neighborhood because of odor, smoke, dust fumes, fire, vibration, or hazardous because of danger of fire or explosion.

D. Permitted Accessory Uses and Structures:

Any accessory use customarily incidental to a permitted principal use.

Storage yards, provided such areas are enclosed by a fence at least six (6) feet high, which screens the storage yard from vision.

One detached single family dwelling (a “standard dwelling” or “manufactured residential building”) or one dwelling unit within or attached to a permitted principal building.²²

E. Permitted Special Exceptions:

Animal hospitals (refer to Section 5.6.6, J).

F. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 30,000 sq. ft.
 - b. Width - 150 ft.
 - c. Depth - 150
2. Minimum Yard Size:
 - a. Front Yard - 25 ft.
 - b. Side Yard - 10 ft. unless abutting any residentially zoned property; then 35 ft.
 - c. Rear Yard - 20 ft. unless abutting any residentially zoned property; then 35 ft.

²⁰ As amended by Ordinance 06-06, March 28, 2006.

²¹ As amended by Ordinance 06-09, July 25, 2006.

²² As amended by Ordinance 06-06, March 28, 2006.

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- d. Waterfront Yard - None.
3. Maximum Building Height - 35 ft.
4. Maximum Floor Area Ratio (F.A.R.): The F.A.R. shall not exceed 0.35.
5. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.

G. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

H. Landscape Buffer Requirements: A landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

I. Development Plan Review: A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

J. Parcels located in the US Highway 17 corridor Overlay District as shown on Exhibit "A", Ordinance 09-01, are required to meet the requirements of Section 5.6.10.²³

5.5.12 NIO, Neighborhood Infill Overlay Zone

A. Purpose and Intent:

The purpose of the Neighborhood Infill Overlay Zone is to preserve neighborhood character by providing for the compatible infill development within existing neighborhoods and to encourage the infill of vacant lots with housing that is similar in height, scale, and placement with existing housing. No permit for an infill residential home shall be granted except in compliance with this section.

B. Permitted Uses and Structures:

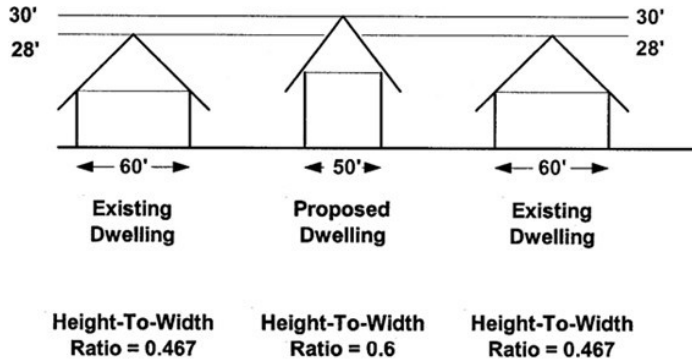
Only those uses and structures authorized by the underlying zoning classification shall be permitted in the Neighborhood Infill Overlay Zone.

C. Lot Requirements:

1. Residential infill development shall not have lots smaller than the minimum permitted for the underlying zoning classification in which the property to be developed is located, except as permitted in this code section.
2. Minimum Lot Area: The minimum allowable lot area of infill residential development is equal to the average area of the lots containing dwellings within the same block and facing the same street as the proposed infill development.
3. Minimum Lot Width: The minimum allowable lot width of infill residential development is equal to the average width of the lots containing dwellings within the same block and facing the same street as the proposed infill development.
4. Minimum Lot Depth: The minimum allowable lot depth of infill residential development is equal to the average depth of the lots containing dwellings within the same block and facing the same street as the proposed infill development.
5. Minimum Floor Area: The minimum allowable floor area of infill residential development is equal to the smallest existing dwelling unit within the same block and facing the same street as

the proposed infill development.

6. Building Height: No new residential dwelling within the residential infill development overlay zone shall be constructed which is more than twenty-five percent (25%) above or below the average height-to-width ratio of existing residences abutting the lot to be developed on the same block. If only one residence abuts the lot to be developed, that residence shall be used to determine the allowable height-to-width ratio. In no case shall a home exceed the height established in the underlying zoning district. The height-to-width ratio shall be calculated shown in the illustration below.



Difference in Height-To Width Ratio =
 $0.6 - 0.467 = 0.133$
 $0.133 / 0.467 = 0.28 = 28\%$

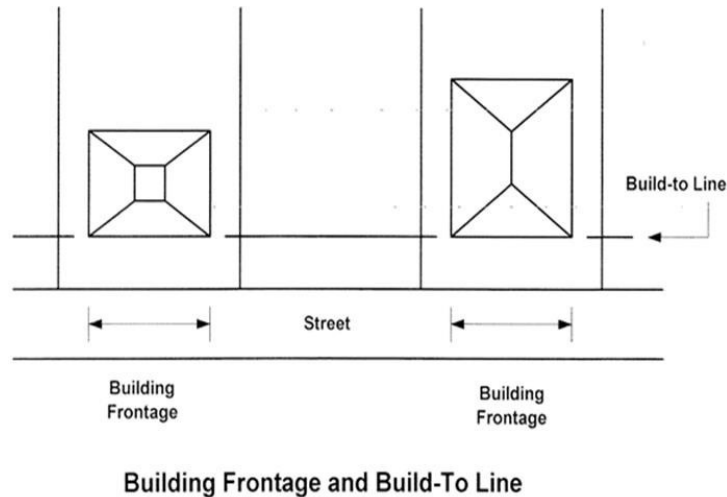
**(Proposed Dwelling Does Not Meet
The Required Height-To-Width Ratio)**

7. Yard Sizes:

- A. Front Yards - The front yards of infill development will be established by building-to the existing continuous building frontage line established along the street as shown in the illustration below. In the case of residential infill development on a corner lot, the prevailing principal building setbacks along the side street shall establish the build-to line along the side street. When the front setbacks of principal buildings (dwellings) in the vicinity of the proposed residential infill development vary in terms of distance from the right-of-way in a manner that does not result in a consistent street edge, the average front building setback for dwellings in the same block facing the same street shall establish the build-to line.

B. Side Yard Minimum - 6 feet

C. Rear Yard Minimum - 20 feet



5.5.13 Planned Development Classification

A. Intent:

This district is intended to provide a flexible approach for unique or innovative development proposals which would not otherwise be permitted by this code. Residential development that occurs pursuant to these standards shall be designated “PD-R” on the Town of Pierson Official Zoning Map. Commercial development that occurs pursuant to these standards shall be designated “PD-C” on the Town of Pierson Official Zoning Map. Notwithstanding the specific criteria identified herein, proposals shall accomplish the following purposes to the greatest extent reasonably possible.

- 1) Provide for the efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs.
- 2) Provide a high-quality design that preserves open space and protects environmentally sensitive natural areas.
- 3) Provide for a visually attractive physical environment through the coordination and consistent use of architectural styles, landscaping designs and other elements of the built environment; and
- 4) Provide for other limitations, restrictions, and requirements as deemed necessary by the Town to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

B. Uses:

The uses allowed in a PD district shall be set forth in the Master Development Agreement and shall be consistent with the subject property’s Future Land Use Map designation as established in the Town of Pierson’s Comprehensive Plan. The maximum intensity and density of such uses allowed within any Planned District shall be consistent with the Comprehensive Plan.

C. Unified ownership:

All land within the Planned Development shall be under the ownership or control of the applicant at the time of execution of the Master Development Agreement whether the applicant is an individual, partnership, corporation, or any other legal entity.

D. Minimum Parcel Size:

The minimum size of any property proposed for residential development shall be five (5) acres in size. There shall no minimum parcel size for commercial development. Smaller residential parcel sizes may be allowed if the applicant can show that the following conditions exist:

- 1) The proposal planned development better adapts itself to the physical and aesthetic setting of the site than could be developed using the provisions allowed in the standard zoning classifications; and
- 2) The proposed planned development would benefit the area surrounding the project to a greater degree than development allowed in the standard zoning classifications.

E. Dimensional Standards:

The dimensional standards in each Planned Development district shall be as established in the Master Development Agreement, and shall be appropriate for the particular type of development that is proposed by the applicant. The Master Development Agreement shall include at a minimum the following types of dimensional standards:

1. Maximum dwelling units per acre or maximum floor area ratio;
2. Minimum lot areas;
3. Minimum lot widths;
4. Maximum building heights;
5. Minimum and/or maximum setbacks;
6. Minimum open space to be provided; and
7. Minimum perimeter landscape buffers;
8. Minimum buffers provided for the compatibility of the planned development with adjoining residential development or residential zoning districts.

F. Overall Development Plan:

Each application for a Planned Development zoning classification shall include an Overall Development Plan (ODP) for the property. Before approving a new Planned Development district classification, the Town Council shall find that the ODP complies with the following standards:

1. Identifies the general location and size of individual development areas,
2. Identifies the specific type of development and the density or intensity allowed in each development area;
3. Identifies the on-site transportation circulation system, including the general location of all public and private streets, pedestrian/bicycle pathways, and how they will connect with the existing or planned transportation system;
4. Identifies the general location of all buffers;
5. Identifies the general location of on-site potable water and wastewater facilities, and how they will connect to existing or planned systems;
6. Identifies the general location of on-site stormwater management facilities, and how

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they will connect to existing or planned systems;

7. Identifies the general location, amount, and type (whether active or passive) of all open space on the property;
8. Identifies the location of all environmentally sensitive lands, wildlife habitat, and water bodies existing on the property.

Notwithstanding the minimum requirements for the ODP outlined herein, an applicant may elect to provide a more detailed set of site plan and/or subdivision documents that meet the applicable requirements of the Unified Land Development Code in order to bundle those approvals with the adoption of the Planned Development District.

G. Master Development Agreement:

Each application for a Planned Development zoning classification shall include a Master Development Agreement (MDA) for the property. Before approving a new PD zoning district classification, the Town Council shall find that the MDA complies with the following standards:

1. Includes a statement of objectives for the Planned Development;
2. Includes any conditions related to the form and design of development;
3. Includes a description of all uses by type authorized within the Planned Development;
4. Includes provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities or infrastructure will be provided to accommodate the proposed development;
5. Includes provisions related to the protection and maintenance of any environmentally sensitive lands on the property;
6. Includes provisions that provide for the perpetual maintenance of all common areas and open space on the property;
7. Includes an explanation of any phasing of the project or other relevant timing considerations;
8. Includes a list of any subsequent approvals that may be necessary to implement the planned development;
9. Includes the dimensional standards and any other provisions such as landscape requirements or architectural standards the Town Council determines are relevant and necessary to ensure the quality and compatibility of the development illustrated the ODP.
10. Includes provisions for modifications to the ODP.
11. Includes provisions for the term, expiration date and amendment of the MDA.

H. Application Review Process:

The application forms and approval process shall be the same as that followed for any amendment to the official zoning map of the Town of Pierson. Prior to the second reading of the ordinance classifying any property as a Planned Development, the applicant shall provide a fully executed copy of the Master Development Agreement to the Town Clerk. The signed document shall be a fully corrected copy addressing all the issues discussed prior to the scheduled second reading.

SECTION 5.6 GENERAL PROVISIONS

5.6.1 Exceptions to Minimum Yard or Lot Coverage Requirements

Every part of every yard shall be open and unobstructed from the ground up by any structure, except as follows:

A. Accessory Structures

On any lot, accessory structures other than fences and walls are not permitted within front or side yards. They may be located within rear yards not less than ten (10) feet from any property line. They may also be located within any portion of the building area except that portion lying streetward of: a) a line extending across the face of the principal structure nearest the street, or b) a line fifty (50) feet from and parallel to the street right-of-way line, whichever is nearest the street.

B. Fences, Walls and Hedges

Except where regulated elsewhere in these Regulations or other ordinances of the Town of Pierson, fences, walls and hedges may be permitted in any required yard or along the edge of any required yard as follows:

1. Fences and walls of solid-face construction are permitted not exceeding four (4) feet in height along front lot lines and along that portion of side lot lines which extends from the front lot line to the front building line; and not exceeding six (6) feet in height along that portion of side lot lines that extend from the front building line to the rear lot line and along rear lot lines.
2. Hedges are permitted not exceeding four (4) feet in height along front lot lines and along that portion of side lot lines which extend from the front lot line to the front building line, except corner lots when the height on the two (2) street lines is not to exceed three (3) feet; and not exceeding eight (8) feet in height along that portion of side lot lines that extend from the front building line to the rear lot line and along rear lot lines.

C. Off-Street Parking Spaces in Yards

In all zoning classifications, off-street parking spaces may be located in yards to the extent permitted by Section 6.4.10 and in compliance with Section 5.6.5, C.

D. Breezeways and Porte Cocheres

Breezeways and porte cocheres are permitted in front and rear yards. No breezeway or porte cochere shall be permitted to extend or project to within fifteen (15) feet of any street right-of-way line. A clear space of not less than nine (9) feet shall be provided below all such structures. Breezeways may be designed so that they provide for a covered entrance into any building provided, however, that such breezeways shall not be designed so as to be considered as, or function as, an outdoor covered patio area. In addition, no porte cochere shall be designed so as to be considered as, or function as, a carport.

E. Screened Swimming Pool Enclosures

Any swimming pool enclosure which consists of screening on at least three or more sides shall be considered as an accessory building for the purposes of these Regulations, except that such screened swimming pool enclosure may be attached to an integral part of the principal building itself.

F. Outdoor Covered Patio Area

Outdoor covered patio areas at finished grade may be attached to the principal building provided such outdoor covered patio areas are located within the rear yards and are completely open on all sides not adjacent to the principal building. Any other outdoor covered patio area which is attached to the principal building, or any patio area which is fully enclosed and attached to the principal building, shall be subject to all the requirements of these Regulations for principal buildings. Any fully enclosed patio area which is not attached to the principal building shall be considered as an accessory building and subject to all of

the requirements of these Regulations for accessory buildings.

G. Building Overhangs

1. Sills or belt courses may project up to twelve (12) inches into a required yard.
2. Movable awnings may project up to three (3) feet into a required yard except that where such yard is less than six (6) feet in width such projection shall not exceed one-half the width of the yard.
3. Chimneys, fireplaces or pilasters may project up to two (2) feet into a required yard.
4. Fire escapes, stairways and balconies which are not covered or not enclosed may project up to five (5) feet into a required front or rear yard, or up to three feet eight inches (3 ft. 8 in.) into a required side yard.
5. Hoods, canopies or marquees may project up to three (3) feet into a required yard, but shall not be closer than one (1) foot to any lot line.

H. Accessory Structures for Automobile Service Stations

Accessory structures for automobile service stations may be located in yards to the extent permitted by Section 5.6.7.

Section 5.6. I. Residential Design and Appearance Standards

I. Residential Design and Appearance Standards

All Single-family residences, modular homes and duplexes shall comply with the following design and appearance standards:

- (A) The minimum roof pitch of roofs shall be a four inches of vertical rise for each 12 inches of horizontal run.
- (B) Roof material shall be either ceramic, concrete or slate tiles, wood shakes, asphalt, synthetic or composite shingles or metal roofing panels. Corrugated metal or corrugated fiberglass roof materials are prohibited.
- (C) Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes, or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic). The siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
- (D) The minimum width of the primary structure shall be 24 feet.
- (E) Building facades visible from a public street shall recess or project each window at least 2 inches from the façade or incorporate window trim that are at least four inches in width with colors that contrast with the base building color.

5.6.2 Exception to Minimum Lot Size for Homestead Subdivisions

In any A-1 or RR zoning district, any parcel or lot may be subdivided to allow transfer of each resulting lot to an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel or lot to said individual, notwithstanding the minimum lot size requirement for the A-1 or RR zoning district in which the property is located. However, under no circumstances shall the subdivision of a parcel or lot under this provision result in any parcels or lots smaller than one-half (1/2) acre.

5.6.3 Obstruction to Visibility on Corner Lots

On any corner lot, no structure or shrubbery shall obstruct vision between three (3) and ten (10) feet in height above the centerline grades of adjacent streets within a triangular area formed by the intersecting street right-of-way lines and a straight line joining those right-of-way lines at points located twenty-five (25) feet from the intersection of those rights-of-way lines.

The Development Code Administrator may relax restrictions of this section or impose additional restrictions upon the height or location of structures and shrubbery where such structures or shrubbery are deemed to constitute an impairment to visibility that is conducive to traffic safety hazards.

5.6.4 Compound Uses

Two or more principal uses shall be permitted on any single lot in any B-1 and B-2 district, provided the entire area on which the uses are to be established is under single ownership, and provided each such use shall meet the minimum requirements for off-street parking, loading and unloading facilities, and shall meet the minimum lot and building requirements for the district in which the property is located. In all other zoning classifications, only one principal structure may be erected or constructed on a single lot.

5.6.5 Landscaping Requirements

The following regulations shall apply where landscaped buffers or off-street parking areas are required:

A. Plant Materials

All required plant materials shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the Development Code Administrator natural vegetation is adequate to provide the necessary visual screening.

1. Trees. Tree species shall be a minimum of six (6) ft. in height immediately after planting. Palms shall be considered trees. Also, trees planted within twelve (12) ft. of publicly-maintained streets or other public improvements shall be selected from a "List of Trees" available at the Town Building Department.
2. Shrubs and Hedges. Shrubs and hedges shall be a minimum of two (2) ft. in height, immediately after planting. Plants shall be spaced no more than three (3) ft. apart measured from center to center.
3. Ground Covers. Ground covers may include any plant materials that reach an average height of not more than twelve (12) inches. They may be used in lieu of grass. Ground covers must present a finished appearance and provide reasonably complete coverage at time of planting.
4. Lawn Grass. Grassed areas shall be planted with any species of grass common to Central Florida. They may be sodded, plugged, sprigged or seeded, except that sod is required in swales and other areas subject to soil erosion. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

B. Landscaped Buffer Area

Where a landscaped buffer area is required, the following regulations shall apply:

1. A landscaped buffer area shall be established along the entire length of, and contiguous to, any property line. It shall be not less than eight (8) ft. in width measured at right angles to the property line and landscaped with any combination of the plant materials described in Section 5.6.5, A. and other materials such as stone, gravel or mulch.
2. When a landscaped buffer area abuts any residential district, it shall include a visual screen constructed of plant materials or a decorative screening wall or fence.
3. If plant materials are used for screening, they shall be selected and located to provide, at the

time of planting, a visual barrier that is at least three (3) ft. above the average ground level of the buffer area, and capable of reaching a height of six (6) ft. Such planting may be placed on an earthen berm to achieve the required height.

4. If a decorative wall or fence is used for screening, it shall be six (6) ft. high. If a masonry wall is used, the top two (2) ft. shall be no more than fifty (50) percent solid, and shrubs or vines shall be planted abutting such wall on the street side, at a planting interval of no more than ten (10) ft.

C. Landscaping of Off-Street Parking Areas

Required off-street parking areas having off-street parking spaces for more than eight (8) vehicles, shall have interior landscaped areas covering 10% of the total off-street parking area, excluding any required landscaped buffer areas. A portion of the interior landscaped area shall be located at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. Those landscaped row ends shall have a minimum area of one-hundred (100) sq. ft. with no width less than six (6) ft. and no length less than seventeen and one-half (17.5) ft. if it abuts one parking space, or thirty (35) ft. if it abuts two parking spaces. Interior landscaped areas, other than those at row ends, shall have a minimum area of seventy-five (75) sq. ft. with no dimension less than six (6) ft. Two (2) ft. of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area shall include at least one (1) tree. The remaining area shall be landscaped with shrubs less than four (4) ft. high, grass, ground cover, or other materials, such as stone, gravel or mulch. All trees shall be clear of branches for the first five (5) ft. of height above the ground.

Where the strict application of this subsection will seriously limit the function of the parking area, the required landscaping may be located near the perimeter of the paved area.

D. Irrigation System

A workable underground irrigation system shall be installed in any area required to be landscaped.

E. Landscape Plan

When landscaped areas are required by these Regulations, a landscape plan shall be submitted with the application for a site development plan approval. The plan shall indicate the type, size, and location of plant materials and shall include plans and specifications for an irrigation system. No building permit shall be issued by the Development Code Administrator for any structure until the plan is approved by the Town Council.

F. Maintenance

Where landscaped areas are required by these Regulations the owner or his tenant or agent, if any, shall be jointly and severally responsible for maintenance. Required landscaped areas shall be maintained in a healthy, neat, and orderly condition as indicated on the approved site plan, and shall be kept free from refuse or debris.

G. Guarantee of Installation of Improvements

No Certificate of Occupancy shall be issued by the Development Code Administrator until the landscape and irrigation improvements shown on the approved landscape plan are installed.

5.6.6 Special Exceptions

The following uses or structures are permitted as special exceptions only when listed or permitted as special exceptions in Section 5.5 and meet the requirements set forth below and in Article 10.

A. Child Care Centers are permitted as special exceptions, provided:

1. They are designed and constructed according to the standards adopted pursuant to Section 402.30 et seq. Florida Statutes and Section 10C-10.20 et seq. Florida Administrative Code.

2. Access is provided directly from one of the Town's major thoroughfares such that traffic generated by the child care center will not be directed through any single family residential area.

B. Houses of Worship are permitted, provided:

1. No principal or accessory building shall be located less than fifty (50) feet from any property line.
2. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.
3. Access is provided directly from one of the Town's major thoroughfares such that traffic generated by the house of worship or cemetery will not be directed through any single family residential areas.

C. Public Utility Uses and Structures are permitted as special exceptions, provided:

1. Unless waived by the Town Council, a landscaped buffer area meeting the requirements of Section 5.6.5 is required.

D. Golf Courses, Country Clubs, Swim Clubs, Tennis Clubs, and Similar Recreational Uses are permitted as special exceptions, provided:

1. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
2. No dwelling units shall be provided on the premises, except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
3. No principal or accessory building, swimming pool or tennis court shall be located less than fifty (50) feet from any lot line.
4. All artificial lights shall be directed away from adjoining properties.
5. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.

E. Schools (Parochial or Private) are permitted as special exceptions, provided:

1. No principal or accessory building shall be located less than fifty (50) feet from any property line.
2. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.
3. Access is provided directly from one of the Town's major thoroughfares such that traffic generated by the school will not be directed through any single family residential area.

F. Nursing Homes, Boarding Houses, and Adult Congregate Living Facilities are permitted as special exceptions, provided:

1. Maximum residential occupancy shall not exceed thirty (35) residents per acre.
2. No principal or accessory building shall be located less than forty-five (45) feet from any property line.
3. Unless waived by the Town Council, off-street parking and loading areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the

requirements of Section 5.6.5 shall be constructed.

G. Mini-Warehouses are permitted as special exceptions, provided:

1. They shall be limited to dead storage use only. No activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing, repair, sale, exchange or distribution of any goods, materials, equipment or vehicles shall not be conducted on the premises. The operation of a mini-warehouse shall in no way be deemed to include a transfer and storage business where the use of a vehicle is part of such business.
2. Minimum yard requirements shall be the same as for any permitted principal structure in the district in which the mini-warehouse is located.
3. No advertising signs shall be permitted on the premises except those identifying the nature of the mini-warehouse business itself; and such sign(s) shall be permitted only in accordance with Article X.

I. Residential Cluster Subdivisions are permitted as special exceptions, provided:

1. The project area shall be a minimum of three (3) acres.
2. The minimum lot size shall be sixty-five hundred (6,500) square feet.
3. Dimensional requirements for lots and buildings shall be as provided in the R-3 classification.
4. Common open space shall be provided in an amount equal to the sum of the area by which each lot is reduced below the minimum size otherwise permitted in the applicable zoning classification.
5. Common open space shall be permanently dedicated to residents of the project area or to the general public for environmental preservation or recreational use, whichever is determined by the Town Council at the time of subdivision approval to be most appropriately related to the goals, objectives and policies of the Town's Comprehensive Plan. The method of dedication and provisions for maintenance of the common open space shall be approved by the Town Council upon recommendation of the Town Attorney.

J. Animal hospitals are permitted as special exceptions, provided:

1. No structures pens, kennels or boarding kennels shall be located closer than fifty (50) feet from any property line.
2. None of the above structures shall be located closer than five hundred (500) feet from any residential property line.
3. Open kennels shall be screened from view.

K. Community Residential Homes are permitted as special exceptions, provided:

1. They conform to existing zoning regulations applicable to other uses in the zoning district.
2. They meet applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
3. Placement of the community residential home at the proposed location would not result in such a concentration of community residential homes that the nature and character of the area would be substantially altered. A home that is located within a radius of twelve hundred (1,200) feet of another existing community residential home in a multi-family zoning district shall be an over-concentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of five hundred (500) feet of an area of single-family zoning substantially alters the character of the area.

4. All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

L. Accessory Mobile Homes for Farmworkers and Security Personnel, provided:

1. A bona fide agricultural operation does exist on the premises; and the mobile home is to be used only for residency by a person or persons employed on the premises and family members.
2. No mobile home used for such residency by farmworkers or security personnel shall be closer than fifty (50) feet to any other dwelling unit.
3. No mobile home used for such residency by farmworkers or security personnel shall be closer than one hundred (100) feet to any property line of the premises on which it is placed.
4. Potable water and sewage disposal facilities shall be in compliance with all applicable provisions of Florida Law.
5. If not already in existence, a visual screen of native plant materials meeting the requirements of Section 5.6.5, located between the dwelling(s) and all adjoining property lines shall be planted and maintained.
6. The area between the ground and the floor of the mobile home shall be enclosed with skirting.
7. There is a demonstrated need for farmworkers or security personnel to reside on the premises. The applicant shall provide information to the Development Regulations Administrator describing the nature of the agricultural operation on the premises and demonstrating that need.
8. No more mobile homes shall be permitted on the premises than are needed to accommodate farmworkers and/or security personnel actually employed on the premises. In no case shall the number of dwelling units on the premises, including the principal dwelling and accessory mobile homes, exceed one (1) per acre. However, the mobile homes may be clustered on the premises.

M. Fern Packing House, provided:

1. No principal or accessory building shall be located less than seventy-five (75) feet from any property line.
2. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.
3. The servicing, repair, sale, exchange or distribution of any goods, materials, equipment or vehicles, except for those directly related to the receipt, processing and distribution of ferns and other ornamental horticultural products, shall not be conducted on the premises.

N. Home Occupations, provided:

1. Only the following types of occupations may be permitted as home occupations:
 - a. arts and crafts;
 - b. the giving of instruction or training to one person at a time, e.g., art and music instruction;
 - c. repair of small appliances, electronic equipment, clocks and watches, jewelry, bicycles, and similar items, but not including motor vehicles, lawn mowers, major appliances, boats and boat motors;
 - d. fabrication of articles commonly classified as handicrafts;

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- e. business and professional services, including accounting, law, architecture, engineering, urban planning, financial planning, and similar services;
 - f. personal services;
 - g. any occupation which utilizes telecommunications or postal/package delivery services as the principal means of interacting with clients and customers;
2. A home occupation shall not be conducted in any accessory building.
 3. Only persons who reside in the dwelling unit shall be employed or act as an independent contractor in said dwelling unit permitted as a home occupation. Other employees or independent contractors of the home occupation may be permitted provided that said persons do not assemble upon the premises for the purpose of conducting business.
 4. The home occupation shall be clearly incidental and subordinate to the residential use, and shall under no circumstances change the residential character of the dwelling.
 5. The floor area devoted to the home occupation shall not exceed fifteen (15) percent of the floor area of the dwelling.
 6. There shall be no change in the outside appearance of the premises. Home occupations may permit one non-illuminated, on premises sign, not exceeding two (2) square feet in area.
 7. All storage of materials or supplies used in the home occupation shall be done in enclosed buildings and within the space limitations in sub-paragraph 5 above. No products shall be displayed on the premises.
 8. No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is conducted in a single family dwelling or mobile home. 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 line voltage off premises.
 9. No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. Said volume of traffic shall not exceed 5 trip ends per dwelling unit per day. The Town Council may allow as a condition of the requisite Special Exception, a volume of traffic greater than that typically generated by the dwelling unit. Notwithstanding any provisions to the contrary, no more than two (2) vehicles associated with the home occupation may be kept on the premises. Any need for parking generated by the conduct of the home occupation shall be met off the street.
 10. The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essential residential character of the neighborhood.
 11. Any violation of these conditions shall constitute grounds for revocation of the special exception permit.

O. Bed and Breakfast Homestays, provided:

1. The structure occupied by the Bed and Breakfast Homestay shall be classified as a single-family dwelling. The external appearance of the B&B structure and building site shall maintain the general residential character of the surrounding neighborhood. Exterior building materials, bulk, landscaping, fences and walls, and general design shall be similar to those of surrounding single family residential dwellings. No B&B shall occupy more than one principal building.
2. The owner or manager shall live on the premises.

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3. Separate toilet and bathing facilities for the exclusive use of guests shall be provided.
4. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be thirty (30) days in a twelve (12) month period.
5. Cooking facilities shall be approved by the County Health Department. Cooking shall be for guests and residents only. No cooking facilities shall be allowed in guest bedrooms.
6. Neither hired receptions nor parties shall be permitted in Bed and Breakfast Homestays located in residential zoning districts.
7. Bed and Breakfast Homestays shall comply with appropriate health permits, building and fire codes, and business licenses, including but not limited to a license from the Florida Department of Business Regulations, Division of Hotels and Restaurants applicable to such use.
8. In addition to the parking required for the residence, one (1) parking space shall be provided for each guest room. The Planning Commission may vary the parking requirement based on site constraints including, but not limited to, small yards and inadequate space for parking, so long as off-street parking is available. Guest parking shall not be permitted between the street and the principal structure. Use of tandem parking (one car parked directly behind another) may be permitted.
9. Signs shall be used for identification purposes only, and shall conform with the provisions of Article X(Signs).
10. The maximum number of rooms for guests shall be as follows:

<u>Building Size</u>	<u>Maximum Number of Guest Rooms</u>
less than 2000 sq. ft.	1
2000-2399 sq. ft.	2
2400-2799 sq. ft.	3
2800 sq. ft. or larger	4
11. The special use permit is non-transferable.
12. The minimum distance between ACLFs shall be one thousand two hundred (1,200) feet measured in a direct line between properties.
13. To assist in the administration of these Regulations, no B&B shall be allowed to operate within the Town without having first obtained an occupational license. The Development Regulations Administrator shall maintain a registration list and location map of all existing and new B&Bs.²⁴

P. Accessory Dwelling Units

A. Purpose

The intent and purpose of this section is to allow accessory dwelling units to be permitted in any zoning classification that permits single family homes as a special exception. It is also the intent and

purpose of this section to create regulatory framework that encourages the development of accessory dwelling units. Pierson adopts the view that it is necessary to allow the permitting of accessory dwelling units in order to increase the availability of affordable dwelling units to the local market.

1. Accessory dwelling units are intended to provide additional housing that is incidental to a primary single-family use. Accessory dwelling units are intended to be used as a necessary tool to increase the supply of affordable housing, elderly and disabled care units close to family members and caretakers, and/or workforce housing. Accessory dwelling units are unique housing tools that provide for infill development with low environmental impacts that can connect to existing infrastructure.
2. With rising housing costs, accessory dwelling units capitalize on the prominence of the single-family home in Pierson by providing additional family members or other people access to a dwelling units on the same lot. Creating a regulatory atmosphere that encourages increasing the number of accessory dwelling units will have a positive impact on our community's housing supply and on the property rights of homeowners.
3. These standards are devised to ensure that the development of accessory dwelling units do not cause negative impacts on the character or stability of Pierson's neighborhoods.

B. Definitions

1. "Accessory Dwelling Unit" means an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit. The accessory dwelling unit may be a separate and detached unit, an attached unit to the principal structure, an apartment over a garage, or a similar structural form.
2. "Lot Requirements" means restrictions on lot size, setbacks, building coverage, and similar zoning requirements.

C. Criteria

1. Accessory dwelling units are to be permitted as accessory uses to owner-occupied single-family homes.
2. The owner must occupy either the principal or accessory dwelling unit.
3. No more than one accessory dwelling unit shall be allowed on any residential lot or within any principal nonresidential structure.
4. An accessory dwelling unit may be constructed with or after the construction of the primary unit.
5. The accessory dwelling unit shall be subordinate to the principal building as to size, location, height, square footage, and building coverage.
6. The design of the accessory dwelling unit shall be uniform, compatible, or complementary in appearance to the primary residence including roof pitches, eaves, building materials, windows and trim.

7. Entrances of attached accessory dwelling units shall be on the side or rear of the building façade only. Entrances of detached accessory units shall face towards the street or toward the interior of the lot.
8. One parking space shall be provided for the exclusive use of the accessory dwelling unit. This space is in addition to the parking spaces required for the primary dwelling.
9. The primary dwelling unit and the accessory dwelling units shall be served by one common driveway connecting the units to a public or recognized private roadway.
10. The floor area of the accessory dwelling unit shall be no less than 300 square feet and no greater than 1,200 square feet.
11. All accessory dwelling units shall meet the zoning classification lot requirements in which they are located. Total building coverage on the lot shall not exceed district standards. The accessory dwelling unit shall comply with the requirements of all applicable building codes.
12. Accessory dwelling units are exempt from density calculations provided the applicant complies with the requirements of Section 163.31771, F.S. related to accessory dwelling units.
13. The accessory dwelling unit shall connect to the same utilities provided to the primary residence.

5.6.7 Automobile Service Stations

The following regulations shall apply to automobile service stations, Types A, B, and C.

A. Location of Principal and Accessory Structures

1. Principal or accessory structures shall not be erected within twenty-five (25) feet of any property zoned for residential use.
2. No accessory structures shall be erected closer than ten (10) feet to a street right-of-way. If accessory structures are erected within any front yard, they shall be removed before the property is converted to a use other than an automobile service station.

B. Points of Access

The number of points of access for one (1) automobile service station shall not exceed two (2) for each one hundred (100) feet of street frontage. Each point of access shall be no more than thirty (30) feet wide and be located at no less than twenty five (25) feet from the intersection of street rights-of-way. Each point of access shall be located no less than fifteen (15) feet from any other property line, or twelve (12) feet from any other point of access. On county maintained roads, clearance for additional points of access shall first be obtained from the County of Volusia.

C. Landscape Buffer Requirements

Where lots to be used for service stations abut any property zoned for residential use, a landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

D. Permanent Storage of Materials, Merchandise and Equipment

All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

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²⁴As amended by Ordinance 96-1 on February 13, 1996.

E. Trash Facilities

Adequate, enclosed trash facilities shall be provided on the site.

F. Parking of Vehicles or Vehicles Offered for Sale or Rent at Type A and B Stations Only

Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in a manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays, or with any required off-street parking spaces. No more than two (2) motor vehicles may be offered for sale on the premises at any one time unless otherwise authorized by the provisions of this Ordinance, and in conformity with all applicable state regulations.

A truck or trailer rental service, established primarily for the transporting of household goods, shall be permitted, subject to the following:

1. The required minimum lot area shall be increased by four hundred eighty (480) square feet for the parking of each rental truck proposed, and fifty (50) square feet for each rental trailer proposed.
2. On corner lots, no vehicles offered for sale or rent shall be parked within a yard abutting a street.

5.6.8 Silviculture Activities

Silviculture activities (timber cultivation and harvesting) may be undertaken on privately owned lands provided they are conducted in a manner compatible with the need to protect and conserve natural resources associated with wetlands and surface waters, as more particularly set forth below.

A. Silviculture activities shall follow the best management practices outlined in the publications titled "Silviculture Best Management Practices Manual" (Revised May 1990, Florida Department of Agriculture and Consumer Services, Division of Forestry) and "Management Guidelines for Forested Wetlands in Florida" (December 1988, Florida Department of Agriculture and Consumer Services, Division of Forestry and Florida Forestry Association) except that:

1. the Primary Streamside Management Zone criteria shall be applied within one hundred fifty (150) feet of Outstanding Florida Waters and Class I and II Waters as classified by the Florida Department of Environmental Regulation and;
2. the Primary Streamside Management Zone criteria shall be applied within seventy-five (75) feet of perennial streams greater than thirty (30) feet in width for Class III Waters.

B. In order to maintain the overall ecological integrity of the wetlands community, select cuts, small clear cuts or other irregularly shaped harvesting techniques will be allowed provided:

1. viable populations of the endangered and threatened species and species of special concern found on-site can be maintained on-site;
2. harvests are planned to provide for varying age and height diversity, supporting a variety of vegetative successional stages within the overall wetland ecosystem;
3. the natural hydrology and hydroperiod of wetlands are maintained and state water quality standards are not violated;
4. there is no conversion of wetland systems to upland systems; and
5. there is no conversion to other wetland systems except for the beneficial alteration of degraded wetlands to wetlands compatible with the type, form, and function of adjacent wetlands.

5.6.9 Community Residential Homes

A. Definitions.

Community Residential Home - A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services (HRS), providing a living environment for 7-14 residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the residents.

Categories of Community Residential Homes, licensed by HRS and included under Chapter 419, F.S. are as follows:

1. Aging and Adult Services Program (AA)
 - a. Adult Congregate Living Facility (ACLF) licensed by Office of Licensure and Certification (OLC) and governed by Florida Administrative Code (FAC) 10A-5.
 - b. Adult Foster Home (10A-14, FAC).
 2. Alcohol Drug Abuse and Mental Health Program
 - a. Residential Treatment Facility (RTF), Levels II and IV (10E-4, FAC).
 3. Children, Youth and Families Program (CYF)
 - a. Residential Child Care Agency Facility (governed by 10M-9, FAC; excluding runaway and emergency shelters, family foster and maternity homes).
 4. Developmental Services Program (DS)
 - a. Intermediate Care Facility for the Mentally Retarded/Developmentally Disabled (ICF/DD) (10D-38, FAC).
 - b. Developmental Services Residential Facilities
- (1) Foster Care Facility (10F-6, FAC).
- (2) Group Home (10F-6, FAC).

Resident - As used in the definition of Community Residential Home, the term resident shall mean any of the following:

1. An aged person as defined in s. 400.618(3), F.S.
2. A physically handicapped or disabled person as defined in s. 760.22(5)(a), F.S.
3. A developmentally disabled person as defined in s. 393.063(6), F.S.
4. A non-dangerous mentally ill person as defined in s. 394.455(3), F.S.
5. A dependent child as defined in s. 39.01(8) and (10), F.S.

Delinquent children, alcohol or drug abusers, and dangerous mentally ill persons are specifically excluded from this definition.

B. Location

1. Homes of six or fewer residents that otherwise meet the definition of a community residential home are regarded as single-family units and non-commercial residences for the purpose of these Regulations and are defined as community residential homes by the HRS. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in any single-family or multi-family zoning district as permitted principal uses, provided that such homes shall not be located within a radius of

one thousand (1,000) feet of another existing such home with six or fewer residents.

2. Except as provided in 5.6.9, B., 1, community residential homes may be permitted only as Special Exceptions when specific provision for such homes is made in a particular zoning district.

5.6.10. US Highway 17 Corridor Overlay District²⁵

Purpose and Applicability:

The intent of the US Highway 17 Corridor Overlay District, COD, is to provide regulations for the development/redevelopment of commercially zoned properties that front the corridor that will: protect the corridor's Level of service, LOS, as a major arterial roadway; protect abutting residential development from negative impacts such as noise and light penetration; provide for architectural and signage guidelines that are intended to preserve and enhance the character of the community; prohibit certain uses that are not in keeping with the character of the community that may portray a negative image to the traveling public; and preserve/enhance the quality of life and property values within the corridor.

The requirements of this Section shall apply to all parcels or lots adjoining the US Highway 17 Corridor, the limits of which are depicted on Exhibit "A" and the requirements of this section are supplemental to existing zoning regulations within the District. All development must be in compliance with the standards of the underlying zoning district and the additional requirements of the Overlay District. In the event of any conflict between the provisions of this section and other requirements of this Article, the provisions of this section shall prevail. All proposed development within the COD, unless waived by the Town Council, Is subject to Development Plan review per Section 3.4.5. The following shall apply in the COD:

A. Architectural Standards:

1. Commercial metal buildings shall be prohibited;
2. For purposes of this section, a recognized architectural style shall be one which is recognized by design professionals as having a basis in classical, historical or academic architectural design philosophies. Any architecture that is exotic and clearly out of character with the community character shall not be considered as acceptable.. Examples of exotic and unacceptable architecture include architecture that does not resemble a typical structure, but resembles out-of-place structures like igloos, tepees, medieval castles, caves and the like; or that resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like. This subsection shall not apply to public improvements.
3. Accessory structures. These structures shall be similar in style, color, and building material to their principal structures.
4. Exterior walls. All exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, horizontal wood siding or other similar material including synthetic materials similar in appearance and durability. Exposed smooth concrete block or metal finishes shall not be permitted, except where determined to be an integral feature of a recognized architectural style. For any facade facing a street, parking lot or residential property line, wall planes need to be encouraged punctuated by two (2) or more of the following techniques:

²⁵ Amended per Ordinance 08-09, October 14, 2008.

- a. Use of windows of style and proportions in keeping with the chosen architectural style. Retail establishments must incorporate store front windows at pedestrian level where adjacent to streets or interior sidewalks.
 - b. Use of ground level arcades or porches.
 - c. Use of protected or recessed entries.
 - d. Use of vertical elements (including architectural features such as pilasters, columns, canopies, porticos, arcades, colonnades and/or parapets) on or in front of expansive blank walls to interrupt facades into modules of less than sixty (60) feet.
 - e. Use of multiple wall plane offsets and projections of at least three (3) feet each.
 - f. Retaining a clear distinction between roof, body and base of a building.
5. Roofs: The use of hip or gable roofs is highly encouraged. Pitches in excess of 6:12 are desirable. The use of dormers, metal roof material or dimensional shingles to help break-up large roof planes, is encouraged. Flat roofs shall include parapet or partial roofs to provide architectural interest and to screen rooftop equipment when viewed at the property lines from standing height.
6. Signage. Pylon signs are prohibited. Signage is limited to ground mounted monument signs not to exceed six feet in height and 10 feet in width with copy area limited to 32 square feet per side. Mansard signage shall not exceed 32 square feet in area. Signage shall be so located to insure that visibility is not impaired. For buildings with multiple tenants, a uniform signage plan shall be submitted for approval by the Town.

B. Dumpster and waste containers.

Dumpster and waste containers shall be screened by a wall or a fence with vegetative screening around it. The vegetative screening shall be installed on at least three (3) sides of the utility equipment, and shall be located outside any wall or fence. Such vegetative screening shall include shrubs which will achieve a height of five (5) feet within one (1) year, planted with a spacing not exceeding five (5) feet on center, or as an alternative, another form of vegetative screening that creates an effective visual screen.

C. Loading docks.

Loading docks shall be located or constructed at the rear of the building, and shall be oriented as much as possible as to be concealed from adjacent residential uses.

D. Access standards.

The Town shall strive to limit new access points from existing roadways through the use of shared access, secondary access between adjacent uses, and reasonable spacing between primary access points. The following standards shall be applied to reduce traffic congestion and safety issues, reduce the amount of pavement in driveways, as well as to reduce the visual impacts of strip development caused by multiple access points.

1. For corner parcels less than one (1) acre in size, access only from local streets shall be allowed.
2. A single, multi-use driveway connection shall be required to serve adjacent commercial uses unless one (1) of the uses is an existing site with a driveway access not located along the joint property line. In cases where such multi-use driveway would result in the removal of a protected tree with a caliper greater than sixteen (16) inches, it need not be located along the joint property line.
3. Driveway pavement width for access ways shall not exceed twenty-four (24) feet, excluding landscape medians and appropriately designed aprons and needed turn lanes, unless it is determined by the Town's Engineer or his/her designee that wider pavement width is needed to accommodate needed turning radii. Pavement width may exceed

twenty-four (24) feet when a curbed median strip with shade trees spaced every twenty-five (25) feet are provided, but driveway lanes may not exceed twelve (12) feet in width excluding appropriately designed aprons and needed turn lanes.

4. Cross-access. New site plans must provide vehicular and pedestrian cross-access to existing and future adjacent development. Cross-access shall take the form of an interconnection between parking lot access aisles located at least twenty-five (25) feet from the r/w line.
5. Sidewalks. With the exception that sidewalks shall be constructed within the property parallel to the abutting roadway frontage, all other standards of Section 6.4.9.F., shall apply.

E. Parking standards.

The following standards shall help to reduce the amount of paved parking areas and visual blight associated with commercial parking needs.

1. During the site plan review process, the Town may allow minimum parking requirements to be reduced by up to twenty-five (25) percent for complementary uses (weekday and evening/weekend uses), when such uses can share their available parking areas, and such parking areas are convenient to the associated uses.
2. Required sidewalks abutting roadways shall be constructed in accordance with the specifications outlined in Section 6.4.9. Off-street parking and loading facilities shall be constructed in accordance with Section 6.4.10 with the exception that packed shell or marl material may not be used.

F. Utility service drops.

Utility service drops shall be installed underground and shall be done in a manner, which protects index trees.

G. Landscaping requirements.

Development plans shall include a landscaping plan in accordance with Section 5.6.5 with the exception that in addition to landscaping, a decorative, opaque wall or fence is required along the rear and/or side property lines when the project abuts residential development.

H. Prohibited Uses.

The following uses are prohibited: tattoo parlors and body piercing establishments; adult businesses including but not limited to adult amusement centers.

I. Variances.

Variances shall be available as provided under Section 10.2 provided however, in considering variance applications, consideration and flexibility shall be extended to adjust setbacks, structures and parking in order to preserve an index tree canopy. Further, the provisions of this section are not intended to deprive an applicant from seeking a special exception where not otherwise in conflict with this section.

J. Relationship to other requirements.

This section is supplemental to all other requirements of existing adopted ordinances and codes.

K. Vesting.

The provisions of this section shall apply to all new construction/redevelopment and any particular use not in existence on any particular lot or parcel on the effective date of this section.

1. Projects deemed vested.

- (a) Projects having received a building permit prior to the effective date of this section shall be allowed to complete construction under the terms of that permit so long as the permit remains valid.
- (b) Any project having an approved site development plan post adoption of the Land Development Code; or detailed engineering plans, specifications and calculations prepared in accordance with Town's and other applicable regulations, codes and standards, which sets forth the specific improvements to be made in conjunction

with development as they affect the existing site, its boundary conditions, landscaping plans and tree coverage, shall be deemed to be vested.

L. Non-Conformity.

The provisions of Section 5.4, Non-Conformity shall apply to the COD. Normal maintenance and repair of structures is permitted in accordance with the provisions of Section 5.4.1.D., Non-conforming structure.

ARTICLE VI - REQUIRED IMPROVEMENTS

SECTION 6.1 GENERAL

No development shall be approved by the Town without the developer having first provided, as hereafter set forth, all improvements, dedications, and maintenance guarantees required by these Regulations. The Town Engineer shall be responsible for assuring adequate inspection of construction of all improvements, except private utilities, for compliance with the approved plans and specifications. He shall issue a certificate of completion upon the approved completion of the work subject to the maintenance period provided for.

The Engineer of Record shall certify in writing that the required improvements have been completed in accordance with the approved plans and specifications. No certificates of occupancy shall be issued within the development until after a certificate of completion has been issued for the development.

SECTION 6.2 ROADWAY AND UTILITY IMPROVEMENTS

The following improvements are required within all developments. In addition, any unpaved streets which provide access to a development from a paved street shall be improved by the developer in accordance with the specifications set forth herein:

- A. Survey reference markers
- B. Street grading, base preparation, surface course, and curb and gutter.
- C. Storm drainage/retention systems
- D. Sidewalks
- E. Potable water distribution systems
- F. Street name markers and traffic control signs
- G. Bridges
- H. Street lighting

SECTION 6.3 MAINTENANCE GUARANTEE FOR IMPROVEMENTS TO BE DEDICATED TO THE TOWN

Following acceptance by the Town of the construction of improvements which are to be dedicated to the Town, the developer shall be required to maintain the improvements in first class condition until the Town Council accepts the improvements for Town maintenance. Said developer's maintenance period shall be a minimum of one (1) year. The Town Council shall require cash in escrow or a first mortgage (or some other type of cash guarantee as recommended by the Town Attorney) guaranteeing all improvements against defects in design, material and workmanship, and further guaranteeing that the developer shall maintain all said improvements in first class condition for the required period of time. This guarantee shall be in the amount of 10 percent (10%) of the construction cost of the improvements.

Should the developer fail to maintain any of the improvements in first class condition during the developer's maintenance period as herein specified, the Town Engineer shall notify the developer, in writing, giving the developer fifteen (15) days to take corrective actions. Should the developer fail to take the appropriate corrective action, the Town may correct the problem, deducting the cost from the developer's guarantee.

The developer may request the Town Council to accept the improvements for maintenance at the time of or after the acceptance of the construction improvements, but prior to the expiration of the developer's one year maintenance period. When this occurs, it shall be the responsibility of the developer to sod all areas

of the constructed improvements, where the potential for erosion exists because of an inadequate stand of grass. Such areas which may require sodding shall include, but not be limited to, shoulders, swales, and drainage retention areas. When such sodding is completed in a manner acceptable to the Town Engineer, the Town Council may accept the improvements for maintenance by the Town, provided that all improvements are in first class condition. However, the cash guarantee will be retained for the full one-year maintenance period to guarantee all improvements against defects in design, materials, and workmanship.

The Town Council shall not accept the improvements for maintenance by the Town nor release the cash guarantee until it has been determined that all improvements are in first class and acceptable condition.

SECTION 6.4 STANDARDS FOR DESIGN AND CONSTRUCTION OF REQUIRED IMPROVEMENTS

All improvements shall be installed in accordance with the standards and specifications set forth herein.

6.4.1 Permanent Survey Reference Monuments

Permanent Survey Reference Monuments shall be installed in all subdivisions in accordance with Chapter 177, Florida Statutes, and the following requirements:

A. Subdivision corner tie - At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker such as a U.S. Government marker, section corner, or quarter-section corner. When such a monument or station is not available, the tie shall be made to some permanent and readily recognizable landmark or identifiable point, physical object or structure.

B. Monuments - At least two (2) monuments, shall be installed as control corners within each block within the subdivision. The surveyor shall install additional monuments if required by the Town Engineer. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than two (2) feet in length. Each monument shall have embedded in its top or attached by a suitable means a non-corrosive metal plate marked plainly with the point, the surveyor's registration number, and the month and year it was installed, and the words "Permanent Reference Monument" or the initials "P.R.M.". Monuments shall be set securely in the ground so that the top is flush with the finish grade.

C. Property markers - Property markers shall be installed on all corners and at all points of curvature changes on lands dedicated for public use, and on all properties prior to deeding or building constructions. A three-fourths (3/4) inch diameter steel pipe at least thirty (30) inches in length shall be used for this purpose. Markers shall be set securely in the ground so that the top is flush with the finish grade.

D. Subdivision benchmark - The surveyor shall establish the elevation in feet above the National Geodetic Vertical Datum (NGVD) for at least two (2) permanent reference monuments in the subdivision.

6.4.2 Survey Accuracy

The allowable angular error of closure and linear error of closure for surveys shall be as follows:

A. Angular error - The angular error of closure shall not exceed fifteen (15) seconds times the square root of the number of angles turned.

B. Linear error - The linear error of closure shall not exceed one (1) foot per ten thousand (10,000) feet measured on the perimeter (1:10,000).

6.4.3 Access Control

No curb, parkway, or sidewalk shall be cut or altered and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the Development Code Administrator. For

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any point of access or opening onto a state- or county-maintained road, a permit issued by the state or county shall also be required.

A. Application and Plans.

Applications for driveway or access to a public street shall be made to the Development Code Administrator and shall furnish plot plans of the property to be used for driveway and parking purposes.

B. Number of Access Points.

The maximum number of points of access permitted onto any one (1) street shall be as follows:

Lot Width Abutting Street.....	Number of Points of Access
Less than 100 feet.....	1
100 feet to 300 feet.....	2
Over 300 feet.....	2, plus one for each additional 300 feet or fraction thereof

C. Access to Business Uses.

Where business district property abuts two (2) streets, and where that portion of such street abutting business district property also abuts any residential district, access to such business district property shall be provided only from the street not abutting a residential district, or, where both streets abut residential districts, access shall be permitted from only one street.

D. Location of Driveways.

There shall be a minimum distance of fifty (50) feet between any two (2) openings on the same street for any one (1) use. No point of access shall be allowed within thirty (30) feet of the intersection of the right-of-way lines of two (2) public streets. Where right-of-way lines intersect in the form of an arc, the required thirty (30) feet shall be established as near as practical to the center of the arc. The location and width of driveways required by this Code shall be established by measurements taken along the right-of-way line. Driveway entrances shall have no less than a thirty (30) degree flare between the right-of-way line and the curb, or if no curb, the traveled street, to provide for the turning arc of vehicles entering and leaving the abutting property.

E. Single Family Residential Driveway Widths.

Driveways serving individual single family residences shall not be greater than twenty-four (24) feet in width measured at the curb line, or if no curb, the traveled street.

F. Multi-Family and Non-Residential Driveway Widths.

Driveways serving multi-family developments and any non-residential development or use shall be at least twenty (20) feet in width, but not more than thirty (30) feet, measured at the curb line, or if no curb line, the traveled street.

G. Driveway Materials.

That portion of any driveway which is on the public right-of-way shall be constructed of concrete or other approved permanent paving material, in accordance with specifications established by the Town Engineering Department, provided that said driveway opens onto a paved street.

6.4.4 General Street Layout

Proposed streets within developments shall be laid out with consideration of existing and planned streets in the surrounding area, topographical conditions, public convenience and safety, and the proposed use of land to be served by such streets.

A. Streets shall conform to the Traffic Circulation Element of the Town's Comprehensive Plan and other official maps or plans.

B. Where the Town Council determines it desirable to provide street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property, and the temporary turn-around provided.

C. The proposed arrangement of streets shall provide for the continuation of existing streets in adjoining areas.

6.4.5 Private Streets

Private streets may be allowed within developments that will remain under single ownership, provided they are designed and constructed in accordance with the standards in these Regulations.

6.4.6 Public Streets

All streets shall be public unless private streets are permitted in accordance with Section 6.4.4 or as may otherwise be approved by the Town Council upon recommendation of the Town Planner, Town Engineer and Town Attorney. The Town Council shall not approve a private street in a proposed development if it can be reasonably assumed that such street will be needed to serve the area adjoining the proposed development. All public streets shall be dedicated to the perimeter of the proposed subdivision unless they are permanently terminated by a cul-de-sac or an intersection with another street.

6.4.7 Street Names

A proposed street which is obviously in alignment with another existing and named street, shall bear the assigned name of such existing street. In no case, except as provided for in the preceding sentence, shall the name of a proposed street duplicate or be phonetically similar to the assigned name of an existing street in Volusia County, irrespective of the use of a suffix (e.g., street, avenue, boulevard, drive, place, court, etc.). Such suffix shall be determined according to the guidelines set forth in the Street Naming Chart (Appendix A). Street names shall require approval by the Town Council.

6.4.8 Design Standards for Streets

The standards set forth here below shall be considered the minimum standards for design of streets. The classification of streets shall be as specified in the Pierson Comprehensive Plan.

A. Right-of-Way Widths (with Curb and Gutter)

- 1. Principal Arterial 120 feet
- 2. Secondary Arterial..... 108 feet
- 3. Minor Arterial..... 80 feet
- 4. Collector 70 feet
- 5. Local..... 50 feet

B. Right-of-Way Widths (with Swale Drainage)

- 1. Principal Arterial 140 feet
- 2. Secondary Arterial..... 140 feet
- 3. Minor Arterial..... 100 feet
- 4. Collector 84 feet
- 5. Local..... 60 feet

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C. Centerline Grade - Minimum centerline grade for all streets shall be two-tenths (0.2) percent. Maximum centerline grade shall not exceed five (5) percent for arterial streets and eight (8) percent for collector and local streets.

D. Cul-De-Sacs (Permanent and Temporary)

1. Maximum length - No cul-de-sac shall exceed one thousand (1,000) feet in length (as measured along the centerline from the nearest right-of-way line of the intersecting street to the center point of the turn-around.)
2. Turn-around area shall have a right-of-way diameter of at least one hundred (100) feet and a minimum paved surface diameter of eighty-four (84) feet including curbs. A landscaped island may be permitted in the center of the turnaround (maximum diameter of thirty-two (32) feet.

E. Horizontal Curves - Where a centerline deflection angle of more than two (2) degrees occurs, a circular curve shall be inserted having a centerline radius of not less than the following:

1. Principal Arterial 500 feet
2. Secondary Arterial..... 500 feet
3. Minor Arterial..... 300 feet
4. Collector 200 feet
5. Local..... 100 feet

F. Intersections

1. Streets shall intersect at an angle of approximately ninety (90) degrees, unless circumstances make it necessary to allow a lesser angle of intersection. In no case shall the angles of intersection be less than sixty (60) degrees.
2. Street jogs or centerline offsets between streets shall not be less than one hundred fifty (150) feet.
3. Street curb lines (or pavement edge) at all typical intersections approximately right angle shall be rounded with a minimum radius as follows:
 - a) local street intersecting local street - 30 feet.
 - b) local street intersecting collector - 35 feet.
 - c) local street intersecting arterial - 35 feet.
 - d) collector intersecting collector - 40 feet.
 - e) collector intersecting arterial - 40 feet.

The Town Council may, upon a recommendation from the Town Engineer, require other appropriate radii for other than right-angle intersections.

G. Bridges

Bridges shall be designed and constructed to comply with the standards and criteria for geometry and loading set forth in the latest edition of the American Association of State Highway and Transportation Officials, "Standard Specifications for Highway Bridges". The load criteria shall also comply with the State of Florida "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways". Prior to design of bridges, the subdivider shall submit design load criteria to the Town Engineer for approval.

Bridges shall be constructed with curbs along the pavement edge. Sidewalks at least four (4) feet wide shall be constructed on both sides. Approach guard rails shall be provided where deemed by the Town Engineer to be necessary for safety.

6.4.9 Street Construction Standards

All streets shall be constructed in accordance with the following minimum standards:

A. Grading and landscaping - All rights-of-way other than the roadway area shall be sodded. Unless special ditch protection is required due to high velocities, the following will be the standard protection for ditches unless engineering calculations indicate the need for an exception:

<u>Swales Grade</u>	<u>Protection Required</u>
0.0% - 2.0%	Sodding
Greater than 2.0%	Ditch Paving

B. Pavement Sub-grade

1. Sub-grade shall be defined as that portion of the roadbed immediately below the base course of pavement including below the curb and gutter. The limits of sub-grade shall be considered to extend to a depth of six (6) inches below the bottom of the base for local streets and twelve (12) inches below the bottom of the base for collector streets and outward to twelve (12) inches beyond the curb.
2. The stabilizing material, if any is required, shall be high-bearing value soil, sand-clay, limerock, shell, or other material approved by the Town Engineer. Where the existing soils to be used in the roadway sub-grade have the required bearing value, no additional stabilizing material need be added or mixed in.
3. A stabilized sub-grade shall be constructed to support the curb and pavement base and shall be stabilized to not less than seventy-five (75) pounds Florida Bearing Value (FBV) or not less than forty (40) pounds Limerock Bearing Ratio (LBR) to a six-inch minimum depth. A compaction of ninety-eight (98) percent of maximum density (AASHTO T-180) shall be required.
4. Tests for the sub-grade bearing capacity and compaction shall be located no more than three hundred (300) feet apart and shall be staggered to the left, right and on the centerline of the roadway. When, in the judgment of the Town Engineer, conditions warrant additional testing to assure compliance with the specifications, the developer's engineer will be advised in writing that additional tests will be required and the extent of such additional tests. Test results shall be submitted to the Town Engineer.

C. Pavement Base

1. Bases for all local streets shall have a six-inch (6") depth. Bases for all collector streets shall have an eight-inch (8") depth. Portland cement, concrete, limerock, or full-depth asphalt pavement may be used. Soil cement shall not be permitted.
2. Mix designs shall be submitted to the Town Engineer for approval prior to the start of sub-grade preparation. Cement delivery tickets shall be provided for the Town Engineer at the time of placement.
3. Testing of the in-place base shall be at intervals equivalent to sub-grade testing and shall consist of a minimum of moisture content tests and compaction tests. Test results shall be submitted to the Town Engineer.
4. All base and roadway designs shall be subject to the approval of the Town Engineer.

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5. The pavement base shall be crowned a minimum of one-quarter (1/4) inch per foot.
6. Design mixes shall be submitted to the Town Engineer no less than three (3) working days prior to any construction roadway bases, and will be subject to his approval.

D. Pavement Surface

1. Asphalt specifications shall be submitted by the developer's engineer with final plans. Florida State Certified Batch Plants must certify that approved specifications have been met. The developer shall furnish all required street striping and markings on all roadways.
2. Pavement crown shall be one-quarter (1/4) inch per foot or greater. Finish pavement shall be one-quarter (1/4) inch higher than the lip of any concrete gutter. Asphalt concrete surface course thickness shall be one and one-quarter (1-1/4) inches after compaction.
3. Testing of the density of the asphalt surface shall be at intervals as given under pavement sub-grade. Gradation and asphalt extraction test results shall also be provided to the Town Engineer. Core borings shall be required to verify the thickness of the base and surface courses.

E. Concrete Curb

1. A curb shall be provided on both sides of all streets.
2. Valley curbs shall be twenty-four (24) inches wide, and designed by a registered engineer, licensed by the State of Florida. Minimum thicknesses shall be six (6) inches.
3. Ribbon curbs, provided in association with swale drainage, shall be six (6) inches wide and eighteen (18) inches deep.
4. Concrete shall have a minimum twenty-eight day compressive strength of two thousand five hundred (2,500) pounds per square inch.
5. Curbs shall be saw-cut at intervals of ten (10) feet with expansion joints at intervals of twenty-five (25) feet. In addition, an "X" shall be cut in the curb to mark the location of all water distribution system valves, a "V" shall be cut in the curb to mark the location of all sewer services and an inverted "V" shall be cut to marks the location of all water services.
6. Four (4) concrete cylinders shall be taken and tested (two (2) at seven (7) days and two (2) at twenty-eight (28) days) for each seventy-five (75) cubic yards of concrete placed or fraction thereof. Test results shall be provided to the Town Engineer.

F. Sidewalks

1. Four-foot wide sidewalks shall be constructed along both sides of all streets. Double frontage lots shall have sidewalks constructed on both frontages. Sidewalks shall be constructed within the right-of-way.
2. Sub-bases for sidewalks shall be of good clean acceptable material compacted to ninety-five (95) percent (AASHTO T-180) of maximum density. Sidewalks shall be constructed of at least two thousand five hundred (2,500) pounds per square inch twenty-eight-day, natural concrete with a minimum thickness of four (4) inches.
3. A one-half-inch expansion joint shall separate the sidewalk and driveway, the sidewalk and driveway apron, and the driveway apron and curb. In addition, an expansion joint shall be installed along the sidewalk length at spacings not to exceed twenty-five (25) feet. Tooled contraction joints shall be cut at four-foot intervals for four-foot wide sidewalks and at five-foot intervals for five-foot wide sidewalks.

6.4.10 Off-Street Parking and Loading Facilities

Where required by these Regulations, every use or structure shall have an adequate number of off-street parking and loading spaces for use of occupants, employees, customers, visitors, patrons or suppliers. The following regulations shall apply to the design and construction of all required off-street parking and loading areas:

A. Surfacing, Drainage, Lighting and Access.

Every required off-street parking and loading area shall be surfaced with brick, asphalt, bituminous, concrete or packed shell or marl material, and maintained in a smooth, well-graded condition. If lighted, no artificial lighting shall be directed upon adjacent property. All areas shall be designed for the safety and convenient access of pedestrians and vehicles.

B. Location.

Required off-street parking and loading spaces shall be located no less than five (5) feet from any lot lines on the same lot they are intended to serve. If the required off-street parking spaces cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on another lot properly zoned for the permitted principal use it is intended to serve, owned or leased by the owner on which the principal structure or use is located, provided that the parking is located within two-hundred (200) feet of the premises to be served.

C. Plan Requirement.

An application for a building permit shall be accompanied by an off-street parking or loading space plan. The plan shall accurately illustrate the number, location and dimensions of parking spaces, access aisles, driveways, vehicle turnarounds, or backup areas, areas designated for trash collection, off-street loading spaces, if required, and any required landscaped buffer areas.

D. Dimensional Requirements for Off-Street Parking Areas.

Off-street parking areas shall be designed to meet the following angles, dimensions and requirements:

DIMENSION TABLE

Dimensions for parking at any of these angles are:

		45°	50°	55°	60°	90°	180°
Offset	A*	18'	16'	13'	10'	5'	15'
Car Space	B	12'	11'	10'	9'	9'	9'
Stall Depth	C	18'	18'	19'	19'	19'	
Stall Depth	D						22'
Buffer	E	5'	5'	5'	5'	5'	5'
Driveway	F	13'	15'	16'	18'	24'	15'
Turnaround	G	17'	16'	15'	14'	14'	14'
Maneuver Radius	H				15'		
Maneuver Depth	I				15'		

* Letters refer to the figure on next page.

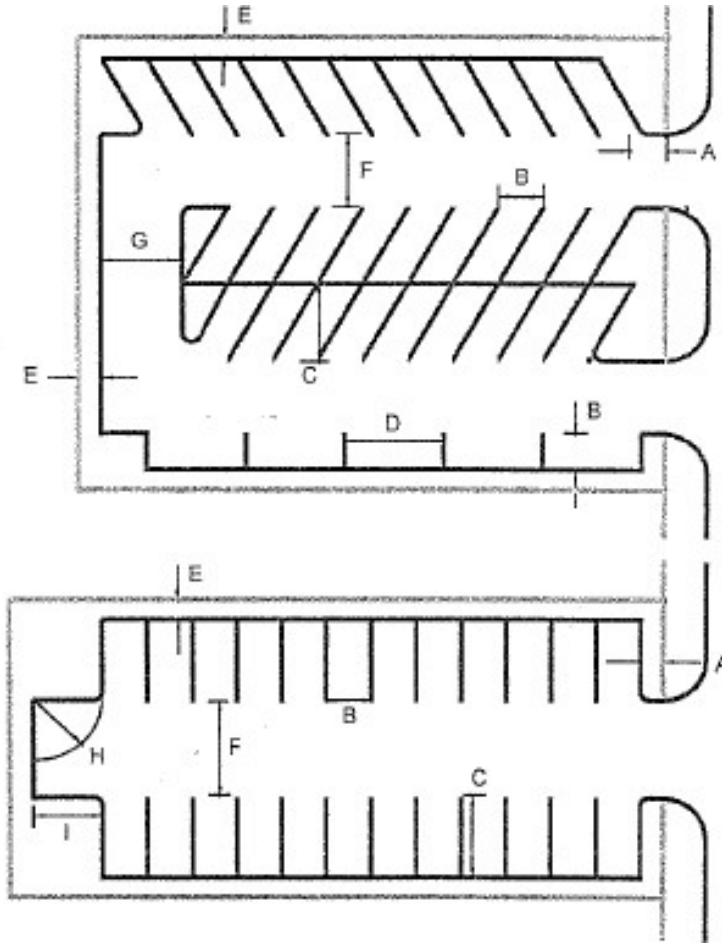


FIGURE VI-1
Parking Lot Dimensions

E. Minimum Off-Street Parking Spaces

The minimum number of off-street parking spaces shall be determined from the following table. Numbers of spaces for any use not specifically mentioned shall be the same as for the use most similar to the one sought. Fractional spaces shall be rounded to the closest number. In houses of worship and other assembly places where occupants sit on bench-type seats without dividing arms, each eighteen (18) linear inches of such seat shall be counted as one seat.

USE	NUMBER OF PARKING SPACES
Bowling alleys	2 for each alley, plus 1 for each 2 employees
House of Worship	1 for each 5 seats
Library, community center, recreation center	1 for each 200 square feet of floor area
Manufacturing industries	1 for each employee on the largest shift, plus 1 for each additional 1,000 square feet of floor area; additional reserved spaces shall be provided for visitors
Medical offices, clinics and laboratories	5 for each doctor, dentist, or other practicing professional, plus 1 for each employee
Multi-family dwellings	2 for each dwelling unit
Municipal, county, state, federal and community buildings	1 for each employee, plus 1 for each 150 square feet of seating area (includes aisles in any room for

USE	NUMBER OF PARKING SPACES
	public meetings)
Office buildings, banks and similar institutions	1 for each 200 square feet of floor area
Pool halls and billiard parlors	2 for each table
Restaurants, nightclubs or bars	1 for each 3 seats, plus 1 for each 2 employees
Retail sales and service establishments	1 for each 250 square feet of floor area
Service Stations	1 for each gas pump, plus 3 for each grease rack or other working bay
Shopping centers	5.5 for each 1,000 square feet of floor area
Single family dwellings	2 for each dwelling unit
Theaters	1 for each 4 seats
Transportation Centers	1 for each 4 estimated average daily passengers
Pinball and video game arcades	1 for each 4 pinball machines or video games
Wholesale, retail and commercial storage (in addition to those required for the primary retail, wholesale, or commercial use)	1 for each employee, plus 1 for each 1,500 square feet devoted to wholesale, retail and commercial storage

F. Required Off-Street Loading Spaces

Every motel, hospital, institution, commercial or industrial building or similar use having a floor area of ten thousand (10,000) square feet or greater shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired. Every off-street loading space shall have direct access to a public street, and shall have the following minimum dimensions:

Length - 20 ft.

Width - 12 ft.

Unobstructed overhead clearance - 14 ft.

6.4.11 Block and Lot Layout

A. Block lengths shall not exceed fourteen hundred (1,400) feet nor be less than seven hundred (700) feet.

B. The width of any block shall be sufficient to accommodate two (2) tiers of lots except where one (1) tier of lots abuts an area of non-residential development, an arterial street, a utility right-of-way, or a land fill finger.

C. Where land is subdivided into larger parcels than ordinarily expected for building lots, such parcels shall be arranged to allow for the opening of future streets and drainage, and logical further subdivision.

D. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.

E. No lot or lots fronting on an existing street shall be subdivided so as to permit new structures to conflict with the orientation of the majority of existing structures.

F. Lot dimensions shall comply with the requirements of Section 5.5.

G. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

H. All lots fronting on a curve shall have a minimum width at the street line of thirty-five (35) feet, and shall be platted to provide the required lot width at the building line.

I. Corner lots shall be fifteen (15) percent greater in width and area than the minimum requirements for interior lots, unless otherwise approved by the Town Council. This provision shall not apply when the

applicable minimum lot area requirement is one-half (1/2) acre or greater.¹

6.4.12 Design and Construction Standards for Potable Water and Stormwater Management Systems

The subdivider shall construct a potable water distribution system and a stormwater management system in accordance with the provisions of this section, the Department of Environmental Regulations requirements and manufacturers' recommended guidelines as may be applicable. Such systems shall be designed by a Florida registered engineer.

A. Potable Water Facilities

1. A looped water distribution system of four-inch (4") water mains, or larger as determined by the Town Engineer, connected to the Town's potable water distribution system shall be provided in all subdivisions. This distribution system shall be capable of delivering, in addition to domestic requirements at peak demand, residual pressures of not less than twenty (20) pounds per square inch, fire flows of at least five hundred (500) gallons per minute in single family residential subdivisions, and one thousand (1,000) gallons per minute in commercial and industrial areas.
2. Water main material shall be polyvinyl chloride (PVC) integral bell pipe, SDR 18, approved for potable water systems or ductile iron pipe. PVC pipe shall be in accordance with the requirements of AWWA C-900. Fittings for either PVC or ductile iron pipe shall be ductile iron class 250.
3. Fire hydrants shall be breakaway flange type, five-foot (5'), four-inch (4") valve seat (Mueller Centurion or equivalent approved by the Town Engineer) with shut-off valve. Hydrants shall be generally located at all street intersections and at points which provide a maximum hose lay of three hundred seventy-five (375) feet in single family residential areas, two hundred fifty (250) feet in multi-family residential and commercial areas, and one hundred seventy-five (175) feet in industrial areas. The barrel of the fire hydrant shall be set perpendicular to the ground with the lowest discharge outlet center point a minimum of twenty-four (24) inches above the finished grade.
4. Mechanical joint gate valves conforming to American Water Works Association standard (AWWA) C500 shall be installed at all water main intersections and at intervals not greater than one thousand (1,000) feet along straight runs. The number of valves to be installed at intersections shall be one less than the number of legs of the intersection. Valves shall be equipped with cast iron valve boxes and shall be located outside the pavement area where possible.
5. Water service taps shall be located on side lot lines. A three-quarter (3/4) inch tap shall be provided for single services; a one (1) inch tap for double services. The location of the end of all services shall be marked with a piece of wood stake, two (2) inches by four (4) inches minimum size, which shall extend from one (1) foot below the service to four (4) feet above grade.

B. Design and Construction Standards for Stormwater Management Systems

1. A complete stormwater management system shall be provided in order to suitably drain all lots, streets, and other areas of the subdivision which are required to be drained. In addition, where stormwater run-off from outside the subdivision passes over or through the area of the subdivision, such run-off shall be included in the stormwater management system design.
2. The design of the stormwater management system shall comply with provisions of the

¹ As amended per Ordinance 05-09, January 10, 2006.

----- *Town of Pierson Unified Land Development Regulations* -----

Article VII and any applicable regulations of Volusia County, the St. Johns River Water Management District, the Florida Department of Environmental Regulation and the U.S. Army Corp of Engineers.

3. The system shall be designed for long life, and shall require only low-cost maintenance by normal maintenance methods.
4. All natural drainage ways shall be preserved at their natural gradient and shall not be filled or interfered with in any way except as approved by the Town Engineer.
5. If the added run-off from the subdivision will, in the judgment of the Town Engineer, overtax or overload existing stormwater management facilities, then the subdivider shall upgrade such facilities to accommodate the additional run-off.
6. Roadside swales within street rights-of-way shall have side slopes and back slopes no steeper than four (4) to one (1) (ratio of run to rise). Normal swale sections shall be no deeper than necessary; but in no case shall they exceed eighteen (18) inches in depth below the outside edge of the street pavement. Run-off may be accumulated and carried in the street right-of-way up to but not above the point where flooding of the roadway would occur. Water in excess of this quantity shall be diverted from roadside swales and carried away by storm sewers or other approved means.
7. Where, in the judgment of the Town Engineer, a potential for erosion exists, the subdivider shall provide erosion control by the use of culvert pipes, concrete swales, sandbag riprap, headwalls with spillways, or other suitable means approved by the Town Engineer.
8. Storm sewers and culverts shall be constructed of reinforced concrete or corrugated metal. Where pipe will be subjected to vehicular traffic loads, reinforced concrete pipe shall be used. Pipe class, gauge, corrosion resistant coating, and joint material shall be approved by the Town Engineer.
9. Inlets, manholes and catch basins shall be either poured-in-place or pre-cast, reinforced concrete. A structure shall be required at each change of pipe grade or alignment.
10. The stormwater management system shall be designed as a minimum to accommodate the stormwater run-off within the street rights-of-way and all other anticipated impervious surfaces within the subdivision.
11. Where a stormwater retention area is to be used outside the normal limits of the street right-of-way, dedication of a suitable area shall be made to accommodate the retention area.

C. Excavation and Backfill

The Contractor installing potable water, sanitary sewer and stormwater management systems shall do so in accordance with the following:

1. An adequate excavation or sheeting and bracing shall be provided to insure the safety of workmen, as well as the representatives of the Town, the design engineer and the developer.
2. During pipe laying, groundwater shall be kept a minimum of six (6) inches below the bottom of the trench.
3. All pipes shall be laid on a firm foundation. Soft or spongy bedding for pipes will not be accepted. Any unsuitable material shall be removed and replaced with a dry, compacted material approved by the Town Engineer.
4. All trenches shall be backfilled with material approved by the Town Engineer. Backfill material shall be compacted to a minimum compaction of ninety-eight (98) percent maximum density (AASHTO T-180) under roadways and ninety-five (95) percent maximum

----- Article VI- Required Improvements -----

density in all other places. The contractor shall employ an independent testing laboratory to ensure compaction of backfill material at points one foot above the pipe and at two-foot vertical intervals, or fraction thereof.

5. The Contractor shall install a metallized foil core pipe location tape, or similar device as may be approved by the Town Engineer, for the full length of all non-metallic water mains and sewage force mains. This pipe location aide shall be installed fifteen (15) inches below grade or as directed by the manufacturer.

6.4.13 Traffic Control Devices, Street Name Signs

A. Traffic signals, signs, striping and other control devices shall be installed by the subdivider at locations determined by the Town Engineer in accordance with the U.S. Department of Transportation's "Manual on Uniform Traffic Control Devices".

B. Street name signs shall be installed by the subdivider at all intersections in the locations approved by the Town Engineer.

6.4.14 Street Lights

Street lights providing 9,500 lumens or such lumens as otherwise established by resolution of the Council shall be installed by the subdivider at all intersections and at points along the road, such as sharp curves and turnarounds on cul-de-sacs, where street lights would in the judgment of the Town Engineer, reduce the potential for accidents. The subdivider shall prior to commencement of construction pursuant to an approved preliminary plat pay to the Town in advance the total cost of the street lights in an amount equal to 110% of the charge by Florida Power Corporation per month per street light times 36. The payment prescribed herein shall be in lieu of the subdivider's installation of the street lights.

6.4.15 Other Utilities

Utility lines for electricity (except primary transmission and subdivision feeder lines), telephone, gas, and television communications shall be installed underground unless otherwise approved by the Town Council.

6.4.16 Easements

A. Drainage Easements - Where a proposed subdivision is traversed by a watercourse, drainageway, canal or stream, dedication shall be made of an easement suitable to accommodate stormwater and drainage through and from the proposed subdivision. Said dedication or easement shall conform substantially with the lines of said watercourse, and be of sufficient width to allow maintenance.

B. Lot Line Easements - Easements shall be provided on all front, rear and side lot lines for drainage and utility purposes. Front lot line easements shall be a minimum of ten (10) feet in width. Said Rear and side lot line easements shall be a minimum of fifteen (15) feet in width, measured seven and one-half (7.5) feet on either side of the lot line. Wherever utility easements are planned adjacent to the subdivision boundary, the full width necessary shall be provided within the proposed subdivision.

C. Dedications for Retention Areas - Areas dedicated for retention or detention areas shall allow for access by maintenance equipment, and a continuous twenty (20) foot maintenance berm around the perimeter, graded away from the edge of the retention or detention area.

D. Pedestrian Easements - Pedestrian easements shall be provided through the interior of blocks where such easements are required by the Town to facilitate pedestrian circulation. Said easements shall be at least ten (10) feet wide, and shall be laid out along side or rear property lines.

E. Private Easements - Private easements or reserve strips are prohibited along the perimeter of a subdivision or at the ends of street rights-of-way.

F. Maintenance of Easements - The Town will maintain only those easements, rights-of-way and public

sites which it accepts for maintenance.

6.5 Outdoor Lighting

6.5.1 Purpose and Intent

The purpose and intent of this section is to protect and promote the public health, safety and welfare by permitting reasonable uses of exterior lighting for nighttime safety, utility, security, and enjoyment while minimizing light pollution and the adverse impacts of exterior lighting on natural resources, human health and to prevent light trespasses onto adjoining properties within the Town. It is the intent that the light trespass provisions of this section shall be remedial.

6.5.2 - Light Fixtures Regulated

All outdoor lighting shall comply with these standards as set forth in this section including, but not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party

6.5.3 - Light Trespasses

A. All light fixtures, except street lighting, shall be located, designed, aimed, shielded, installed, and maintained to limit illumination only to target the property where the fixture exists, and to minimize light trespass onto any adjacent, abutting or neighboring properties or rights-of-way. Non-directional decorative lighting used on single-family or duplex dwellings shall be exempt from this provision.

B. Directional light fixtures such as floodlights, wall pack lights, sconces, and spotlights shall be aimed so that the center of the beam is not more than sixty-two (62) degrees away from the ground directly beneath the light. Directional light fixtures shall be shielded as needed for minimizing misdirected light.

C. With the exception of lighting for flagpoles, signs, landscaping or building accent lighting, all commercial lighting focused upward from the ground is hereby prohibited.

6.5.4 - Nonresidential Lighting Plan

A. Lighting Plan Review.

When new nonresidential development is proposed which includes outdoor lighting installations, the applicant must submit a lighting plan for a review as provided for in Article II Section 3.4 of this code to determine consistency with these regulations, which must be approved prior to the commencement of construction.

B. Design standards

1. When a nonresidential site abuts residentially zoned property the lighting must be designed and installed to direct light both vertically down and completely away from the residential property,

2. Whenever possible, all site lighting, and specifically illumination for parking areas, must be planned and installed to be as minimally intrusive as possible to residentially zoned property.

3. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a photoelectric control device or the equivalent functions from a programmable lighting controller.

6.5.5 - Violations and Enforcement

A. It shall be unlawful to install, erect, construct, enlarge, alter; repair, move, improve, convert, or operate a light fixture in violation of this section.

B. The Town is authorized to order the modification of any light fixture that it finds to be a definite hazard or gross nuisance to the public and particularly a light fixture that causes objectionable glare to the users of a roadway.

ARTICLE VII - STORMWATER MANAGEMENT AND CONSERVATION

SECTION 7.1 INTENT

A. The intent of this Article is:

1. to protect the chemical, physical and biological quality of the ground and surface waters;
2. to encourage the protection of natural systems and the use of them in ways which do not impair their beneficial functioning;
3. to discourage use of drainage systems which rely on electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system;
4. to perpetuate ground water recharge;
5. to prevent and reduce saltwater intrusion into the ground water system;
6. to reduce erosion loss of valuable top soils and subsequent sedimentation of surface water bodies;
7. to protect the habitat of fish and wildlife;
8. to minimize the production of disease vectoring mosquitoes;
9. to prevent significant loss of life and property due to flooding;
10. to reduce the capital expenditures associated with flood-proofing and the installation and maintenance of stormwater drainage systems;
11. to minimize the adverse impact of development on the water resources of the community.

B. The Town acknowledges that under certain circumstances it will not be possible or practical to meet all of the objectives of this Article. In these cases, developments will be evaluated to determine the methods and approaches by which the developer proposes to mitigate any adverse effects which may otherwise result from the practical inability to meet all of the overall objectives of this chapter.

C. The requirements of this Article are intended to compliment permitting requirements of the St. Johns River Water Management District (SJRWMD). If any conflict does arise between these regulations and the permit conditions for the SJRWMD, the more restrictive requirements shall apply.

SECTION 7.2 APPLICABILITY

A. No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted in Section 7.3 of these Regulations, without first demonstrating to the Town's satisfaction that such actions will comply with the stormwater management and conservation standards contained herein.

B. No development order, development permit or other form of construction or development approval shall be granted without the prior approval by the Town of plans exhibiting the methods by which these standards shall be met.

C. For the purposes of this Article, the following development may potentially alter or disrupt existing storm water run-off patterns, and as such, will, unless exempt pursuant to Section 7.3, require a review for compliance with the standards set forth herein prior to the issuance of any development order or development permit.

1. clearing and/or draining of land as an adjunct to construction;
2. clearing and/or draining of non-agricultural land for agricultural purposes;

3. converting agricultural lands to non-agricultural uses;
4. subdividing land;
5. replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
6. changing the use of land and/or the construction of a structure or a change in the size of one or more structures;
7. altering the shoreline or bank of any surface water body;
8. filling of depressional areas; and
9. the lowering of the water table.

7.3 EXEMPTIONS

A. The following activities shall be exempt from these standards:

1. bona fide agricultural pursuits, including forestry, except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land;
2. maintenance work performed on existing mosquito control drainage canals for the purpose of public health, safety and welfare;
3. maintenance work on utility or transportation systems, provided such maintenance work does not alter the purpose and intent of the drainage system as constructed;
4. any maintenance, alteration, renewal, use or improvement to an existing structure not changing or affecting rate or volume of storm water run-off; and the one-time construction of any structure or addition not otherwise exempt not exceeding 5,000 sq. ft. of impervious area on or parallel to the ground; and
5. publicly owned landfills permitted under state regulations.

B. Emergency Exemptions.

1. These regulations shall not be construed to prevent the doing of 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 fire, infestation by pests, or hazards resulting from violent storms or hurricanes or 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 the property.
2. A report of any such emergency action shall be made to the Development Regulations Administrator by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than ten (10) days following such action. Remedial action may be required by the Town Engineer and Council, in the event of a dispute.

SECTION 7.4 APPLICATION AND REVIEW

Section 7.4.1 Application Required

Application for the Storm Water Management Permit shall be made on forms provided by the Development Regulations Administrator under one of the following provisions.

A. Application with the Development Plan

If the application is subject to the development plan review requirements of Article III of these Regulations, then the application for development plan approval shall constitute the Storm Water

----- Article VII- Stormwater Management and Conservation -----

Management Permit application and shall include the following additional information:

1. A detailed site plan drawn at a scale no greater than one (1) inch equals fifty (50) feet (1" = 50') or such other scale as may be approved by the Development Regulations Administrator, a general location map for the proposed project, construction plans, specifications, computations and hydrographs necessary to indicate compliance with the requirements of this section, prepared by a professional engineer registered in the state;
2. Topographic maps of the site before and after the proposed alteration; and
3. General vegetation maps of the site before and after the proposed alteration.

Compliance with the provisions of this paragraph shall be performed concurrently with the review and approval of the development plan requirements.

B. Application When a Development Plan is not Required

When the applicant is not required to submit a development plan for review in accordance with Article III, he shall submit to the Development Regulations Administrator the following information:

1. A general location map;
2. A narrative statement and a drawing at a scale no greater than one (1) inch equals fifty (50) feet (1" = 50'), or such other scale as may be approved by the Development Regulations Administrator, illustrating the intent and scope of the proposed project.

The application shall be reviewed by the Development Regulations Administrator who shall obtain assistance, as necessary, from the Town Engineer. Within ten (10) working days after submission of the complete application, the Development Regulations Administrator shall notify the applicant that either the project has been approved, is exempt, or has been denied.

Section 7.4.2 Classification of Developments as Standard and Lesser Developments

For purposes of this Article, developments requiring review shall be either a "Lesser Development" or a "Standard Development", defined as follows:

A. A Lesser Development is a proposed development which consists of more than 5,000 sq. ft. of impervious area and which is contemplated for division into parcel(s) of record less than one (1) acre in total size.

B. A Standard Development is a proposed development for parcel(s) of record, under single ownership, which is one (1) acre in size or larger.

Section 7.4.3 Performance Standards

A. Performance standards to be followed in the design of Lesser or Standard Development projects are as follows:

1. Stormwater run-off shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. "Best management practice" shall mean a practice or combination of practices determined by the Town Engineer to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in Chapter 17-3, Florida Administrative Code.
2.
 - a. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.
 - b. No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.

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- c. All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met.
 3. Design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the Town Engineer pursuant to the standards contained in this section. Detention structures should be designed to gradually release run-off to the downstream drainage system so as not to exceed the capacity of the existing downstream system.
 4. A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.
 5. Where possible, natural vegetation shall be used as a component of drainage design. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.
 6. Run-off from higher adjacent lands shall be considered and provision for conveyance of such run-off shall be included in the drainage plan.
 7. Run-off shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the Town Council.
 8. Erosion by wind or water shall be prevented throughout the construction process.
 9. For the purpose of this Article, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with the purpose and intent of this Article if all the following are met:
 - a. The development site is not in an area known a primary recharge area as designated by the St. Johns River Water Management District, the County, or the Town.
 - b. The proposed lowering of the water table shall be no more than fifteen (15) percent of the site to a depth of five (5) feet below the surface of the existing undisturbed ground, or an equivalent volume, provided that there be a maximum depth of five (5) feet, said area to be measured at the overflow elevation of the retention area(s).
 - c. If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted form that allowed for retention areas.
 - d. The high water table may be lowered up to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales.
 - e. The lowering of the water table has no adverse affect on wetlands as defined in these Regulations.
 - f. The lowering of the water table does not increase flows to the detriment of neighboring lands.
- B. For applications for a Lesser Development, the following additional performance standards shall be followed in the design of the project:
1. The volume of retention to be provided shall be equivalent to one-half (1/2) inch of depth over the entire project area. For certain soil conditions or ground water table conditions

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which do not permit the percolation of this volume within the five (5) days following a storm event, the Town Council may approve detention with the filtration system in lieu of retention.

C. For applications for a Standard Development, the following additional performance standards shall be followed in the design of the project:

1. The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a twenty-four (24) hour, twenty-five (25) year frequency storm, unless the intent of this recharge provision will be met through detention of the difference between said volumes, in which case said volume difference may be released over not less than a twenty-four (24) hour nor greater than a seventy-two (72) hour period of time. However, the design standards for wet retention areas, when approved by the Town Council shall prevail. This requirement may be waived by the Town Council for sites consisting of permanently and naturally impaired recharge potentials. However, the run-off from the first one inch of rainfall for each storm falling on all areas of the project shall be retained on site except in cases where the Town Council concurs that soil and/or groundwater table conditions are not conducive to such practice, in which case said first inch shall be detained and released over a period of twenty-four (24) to seventy-two (72) hours, in a manner acceptable to the Town Council. However, in the case of wet detention, standards approved by the Town Council shall prevail. In addition, the cumulative impact of the outflow hydrograph on downstream flow shall be considered. Run-off rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on-site. Off-site retention may be permitted if the recharge provisions of this Article are met, as determined by the Town Council.
2. Run-off computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected area.

SECTION 7.5 MAINTENANCE

The installed system(s) required by this Article shall be maintained by the owner except that the Town Council may accept certain improvements for maintenance. The system(s) to be maintained by the owner shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s). Should the owner fail to properly maintain the system(s), the Town shall give the owner written notice of the nature of the corrective action necessary. Should the owner fail, within thirty (30) days from the date of the notice to take, or commence taking, the necessary corrective action, the Town may enter upon the property, take corrective action and place a lien on the property of the owner for the costs thereof.

SECTION 7.6 PLAN ADHERENCE

The applicant shall be required to adhere strictly to the plan as permitted. Any changes or amendments to the plan must be approved by the Town Council, in writing, in accordance with Section 7.4. After completion of the project, the Town Council may require as-built plans from the owner/applicant if the completed project appears to deviate from the approved plan. The Development Regulations Administrator shall be granted inspection rights and right-of-entry privileges in order to ensure compliance with the requirements of this Article.

SECTION 7.7 ENFORCEMENT

A. If the Development Regulations Administrator determines that the project is not being carried out in accordance with the approved plan or if any project subject to this Article is being carried out without a

permit, he is authorized to:

1. Issue written notice to the applicant specifying the nature and location of the alleged noncompliance with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time; or
2. Issue a stop-work order directing the applicant or person in possession to cease and desist all or any portion of the work which violates the provisions of this Article, if the remedial work is not completed within the specified time. The applicant shall then bring the project into compliance or be subject to immediate revocation of his permit and applicable penalties.

B. Any order issued pursuant to subsection A.1. or A.2. shall become final unless the person named therein requests, in writing, a hearing before the Town Council no later than fifteen (15) days after the date such order is served. Failure to act in accordance with the order after receipt of written notice shall be grounds for revocation of the permit.

SECTION 7.8 VARIANCE PROCEDURE

Upon request in writing by any person required to obtain a permit under this Article and where it may be shown that an increase in the rate or volume of surface run-off shall not be harmful to the water resources of the Town, the Town Council, after recommendation by the Town Engineer, may grant or deny a variance from the terms of this Article.

ARTICLE VIII - RESOURCE PROTECTION

[Note: Volusia County has adopted the Minimum Standards for Environmental Protection Ordinance which requires Pierson and other cities to enact certain resource protection regulations. These regulations must address the County's minimum standards for wetlands protection, stormwater management, tree protection, and potable water well field protection. Article IX addresses, in part, this requirement. If the Town finds advantage in deferring to the County to enforce its resource protection regulations within the Town in lieu of the Town enforcing the provisions of this Article, that can be accomplished by mutual agreement. Consequently there will not be a need to adopt this Article. We will, however, have to include within the Town's Land Development Regulations a provision to ensure that no development permit will be issued by the Town until after the County has reviewed and approved such development for compliance with its Minimum Standards Ordinance.]

SECTION 8.1 GENERAL PROVISIONS

8.1.1 Environmental Standards

These environmental standards shall apply in all classifications:

- A. Air Pollution - There shall be no emission of fumes, odors, vapors, gases, chemicals, smoke, dust, dirt, fly ash, or any particulate matter in violation of applicable State standards.
- B. Water Pollution - There shall be no discharge of liquid or solid wastes into any public or private sewage disposal system, or into or on the ground, or into any waterway, waterbody or drainage canal, nor any accumulation of any liquid or solid wastes in violation of applicable State standards.

SECTION 8.2 WETLANDS

8.2.1 Identification of Wetlands

Wetlands shall be as defined in Section 2.2. However, in circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other historical information as appropriate. If the proposed project requires multiple permits from the Federal, State, or Regional agencies, a Town jurisdictional determination shall not be required. The most restrictive wetland boundary as determined by the other permitting agencies shall be accepted by the Town.

8.2.2 Exemptions

Activities which are exempted from this Article include:

- A. non-mechanical clearing of wetland or buffer vegetation from an area of five hundred (500) square feet or less, for access, provided the vegetation is removed from the wetland and disposed of on a suitable upland site.
- B. minor maintenance or emergency repair to existing structures or improved areas;
- C. clearing and construction of walking trails having no structural components or fill and four feet wide or less;
- D. overhead utility crossings, provided however, associated access roads shall be subject to the requirements of this Article;
- E. maintenance, together with incidental dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way, and other related drainage systems;
- F. bona fide mosquito control activities of the Volusia County Mosquito Control Department.

G. development within wetland one-half (1/2) acre or smaller, provided, however, if the entire wetland exceeds this threshold for exemption whether on one or more lots then the entire wetland is regulated as otherwise provided in this Article;

H. development within artificial wetlands which are created as part of a man-made treatment system.

I. development where a Federal, State, regional, or local government completed dredge and fill or wetland application was tendered to said government on or before the adoption of this Article.

8.2.3 Permit Requirements

No person shall engage in any activity which will remove, fill, drain, dredge, clear, destroy or alter any wetland or wetland buffer as defined in Section 2.2 on any lot or portion thereof without obtaining a Wetland Alteration Permit in accordance with the provisions of this Section. Said above described permit may be issued concurrent or in conjunction with other land development permits. It is the intent of this Section that construction of a single family dwelling on upland which does not alter by removing, filling, draining, dredging, clearing or destroying any wetland or wetland buffer shall not require a permit pursuant to this Section.

A. Concurrent Application with Development Order Review

If the Wetlands Alteration Permit application is to be processed concurrently with an application for any Development Order under Article III of these Regulations as the case may be, then it shall be filed as part of the Development Order review application, and shall include a Wetland Management Plan, which shall include but not be limited to the following:

1. A detailed description of all water bodies, water courses, and wetlands on-site and a general description of wetlands immediately adjacent to the site and associated hydrologic conditions.
2. A general description of the upland habitats on-site.
3. A site survey to scale no greater than one inch equals fifty feet (1" = 50 ft.) which identifies the landward extent of the wetland boundaries, buffer zones, existing and proposed conservation areas and adjacent off-site conservation areas.
4. A detailed description of any proposed activity within the jurisdictional wetlands and buffer zones.
5. A detailed analysis of on-site and/or off-site mitigation areas, if applicable.
6. A Wetlands Management Plan for the control of erosion, sedimentation and turbidity during and after construction which describes in detail the type and location of control measures, and provisions of maintenance.
7. A detailed description of methods to be utilized in meeting the criteria listed in Section 8.2.4.
8. A copy of all other Federal, State, and Regional permits and/or applications and conditions issued for the proposed project.
9. Other information which the Development Regulations Administrator may reasonably require to determine whether to approve the wetlands alteration permit.

B. Application Without Development Order Review

1. Except as otherwise provided in Section 8.2.3, A. an application for a Wetlands Alteration Permit shall be submitted with the following information:
 - a. name, address, and phone number for the property owner and/or agent.
 - b. signature of agent or owner.

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- c. legal description of property, including the Property Appraisers parcel number.
 - d. a scale drawing of the property identifying existing structures, adjacent streets, and water bodies.
 - e. a scaled drawing and description of the proposed activity and proposed location.
 - f. a copy of all other Federal, State, and Regional permits and/or applications and conditions issued for the proposed project.
 - g. a Wetland Management Plan as provided for in Section 8.2.3, A. provided however that such plan shall not be required for the following activities:
 - (i) a private dock and additions whose total area does not exceed five hundred (500) square feet for a single family residence.
 - (ii) a private boat ramp for a single family residence which does not exceed fifteen (15) feet wide and does not require any filling.
 - (iii) construction of a seawall in a man-made canal where the seawall will be connected to existing seawalls on adjacent properties.
 - (iv) restoration of existing and functioning structures.
2. An applicant is encouraged to arrange a pre-application conference with the Development Regulations Administrator to discuss the proposed wetlands alteration and the scientific method utilized to evaluate and justify any wetlands alteration prior to submitting a formal application to the Development Regulations Administrator.
 3. An application for a Wetland Alteration Permit and a non-refundable processing fee shall be filed with the Development Regulations Administrator.
 4. Three (3) copies of the required submittals shall be submitted with the application. The submittals shall meet the requirements of these Regulations and provide the information in Sections 8.2.3, A. and 8.2.3, B.
 5. The Development Regulations Administrator shall determine the completeness of the application within three (3) days of filing. If the application is determined to be incomplete it shall be returned to the applicant. If the application is determined to be complete the Development Regulations Administrator shall transmit it to the Development Regulations Administrator.
 6. Upon receipt, the Development Regulations Administrator shall review the application and conduct a preliminary site inspection. If the application meets all of the requirements of these Regulations, it shall be approved within ten (10) working days of receipt. Upon such approval the Development Regulations Administrator shall return the application to the Development Regulations Administrator with approval noted by the Development Regulations Administrator. If the application is denied, it shall be returned to the Development Regulations Administrator with the reasons for denial noted thereon, within ten (10) working days of receipt.
 7. Provided, however, upon receipt of a completed application, the Development Regulations Administrator determines that the proposed activity fails to meet the minimum requirements of this Article, or if additional information is required, a request will be made, within ten (10) working days after the preliminary site inspection, to the applicant to provide the additional information and modify the application and/or mitigation plans to prevent or limit the adverse impacts to the wetland or buffer.
 8. If the applicant fails to make the necessary modifications or provide additional information

within sixty (60) days, then the Development Regulations Administrator shall deny the permit. The Development Regulations Administrator shall approve the permit within ten (10) working days after receiving the required modifications or additional information, unless the modifications fail to meet the requirements of this Article.

9. The Development Regulations Administrator shall notify the applicant immediately after the Development Regulations Administrator approves or denies the application and issues the permit.

8.2.4 Review Criteria

In determining whether the development is permissible under the provisions of this Article, the Development Regulations Administrator shall consider, but not be limited to the following criteria:

- A. the ability of the wetland to receive, store and discharge surface water run-off so as to contribute to hydrological stability and control of flooding and erosion;
- B. the ability of the wetland to recharge the groundwater as demonstrated by reliable available information;
- C. the ability of the wetland to provide filtration and nutrient assimilation from surface water run-off;
- D. the ability of the wetland to provide habitat and significant ecological function in the life cycle for fish, wildlife, or other forms of animal or plant life;
- E. the ability of the wetland to function as an integral part of any waters, water body, or watercourse;
- F. the cumulative impacts of the proposed development on the wetland system in combination with other developments which have been or shall be proposed in the same drainage basin;
- G. the technical feasibility of any proposed wetland mitigation plans and the likelihood of their success in restoring or replacing the environmental benefit altered by the development;
- H. the capacity of the existing wetland to provide environmental benefits because of such factors a maturity, size, degree of prior alteration, physical relationship to other water systems, and adjacent land uses;
- I. the degree or magnitude of the impact of the proposed alteration on the wetland and how such impact shall be minimized through mitigation measures, either off-site or on-site, or both, and recommendations concerning the appropriate location of said mitigation;
- J. whether, and the extent to which a proposed project must be located within a wetland or water body in order to perform the project's basic functions.
- K. whether the wetlands impacted by the proposed activity are protected or used in a manner which does not adversely impact their beneficial functions.

8.2.5 Issuance of Permits - Conditions

- A. If the application meets the requirements of this Article, the Development Regulations Administrator shall issue the permit based upon approval by the Development Regulations Administrator, as provided in this Section and may attach such appropriate conditions to the said permit in order to comply with the standards of Section 8.2.4. The Development Regulations Administrator may deny the permit if it does not meet such standards, stating the reasons thereof.
- B. The Development Regulations Administrator may approve a Wetlands Alteration Permit, which shall incorporate the general and specific conditions which were made part of the permit from federal, State, or regional agencies. Provided, however, before the issuance of the Wetlands Alteration Permit, said Federal, State, or regional permit application when available shall be submitted to the Development Regulations Administrator. Concurrent applications to the local government and any Federal, State, or

regional agency shall be encouraged. Provided, however that the Development Regulations Administrator is not prevented from approving additional conditions to the said permit in order to comply with the standards of Section 8.2.4.

8.2.6 Buffer Requirements:

A. A buffer of not less than twenty-five (25) feet in width shall be established adjacent to and surrounding all wetlands. Wetland buffers greater than twenty-five (25) feet in width may be required if the upland activity adversely impacts the wetlands beneficial functions. The buffer may coincide with the setback on a lot under Article V, the Zoning Regulations.

B. Development activities or construction which do not have a significant adverse effect on the natural function of the buffer may be allowed within the buffer. Proposed activities within the buffer may be permitted in accordance with the requirements of this Article. The activities or construction which may be permitted include, but are not limited to pruning, planting of suitable native vegetation, removal of exotic and nuisance pioneer plant species, and the creation and maintenance of walking trails.

8.2.7 Mitigation

A. Mitigation Requirements

1. It is presumed that development activity will have an adverse affect upon wetlands, and that permit conditions are inadequate to avoid potential adverse environmental affects. If the applicant fails to overcome this presumption then mitigation shall be required. The purpose of mitigation is to offset unavoidable environmental impacts. Mitigation plans should consider the function of existing natural resources and provide comparable functions after mitigation is completed. Mitigation plans should maximize the preservation of existing natural resources. The mitigation plans shall consider the following methods, in order of priority in which they should be utilized:
 - a. avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. minimizing impacts by limiting the degree or magnitude of the action or its implementation;
 - c. rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - e. compensating for the impact by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands or re- establishment of wetlands which are no longer functioning due to significant attention in the past.
2. Where all or part of a wetland is destroyed or substantially altered by development, a proposed mitigation plan shall include at least:
 - a. a description of the wetland and buffer to be created or restored, which shall include but not be limited to the type and functions of the wetland, the proposed mitigation ratios, species present or to be planted, plant density, anticipated source of plants, soils, and hydrologic regime;
 - b. a plan for monitoring the success of a created or restored wetland;
 - c. a detailed written estimate of the cost of the mitigation. The detailed estimate should include costs associated with earth moving, planting, consultant fees, and monitoring;

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- d. a detailed plan describing the monitoring and methods of control and maintenance of exotic or nuisance vegetation;
 - e. monitoring and replacement to assure a survival rate of eighty (80) percent wetland vegetation for a minimum of three (3) years;
 - f. an upland habitat as an adjacent buffer on mitigated sites, as provided in Section 8.2.6.
3. An acceptable mitigation plan shall be reasonably and technically feasible. Mitigation through restoration of other degraded wetlands is preferred over wetland creation.
 4. Mitigation should take place on-site or in close proximity thereto or in areas so designated as provided in Section 8.2.7, D.
 5. An applicant who carries out a compensatory mitigation plan shall grant a conservation easement on the newly-created or restored wetland and buffer to protect it from future development. A legal mechanism other than a conservation easement may be deemed appropriate on a case-by-case basis to carry out the purposes of the section.
 6. A mitigation plan approved by a Federal, State, or regional agency shall be presumed to be acceptable to the Development Regulations Administrator, provided however, if no such mitigation plan is required by the approved permit from the Federal, State, or regional agency, then the Development Regulations Administrator may require a mitigation plan in compliance with this Section.
 7. Mitigation should not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish.

B. Mitigation Ratios

In determining the replacement acreage ratios for restored or created wetlands, the Development Regulations Administrator shall consider, but not be limited to the following criteria:

1. the length of time that can be expected to elapse before the functions of the impacted wetlands functions have been restored or offset.
2. any special designation or classification of the water body, including but not limited to Outstanding Florida Waters, Aquatic Preserves, or Class II.
3. the type of wetland to be created and the likelihood of successfully creating that type of wetland.
4. whether or not the affected wetland are functioning as natural, healthy wetland of that type.
5. whether the wetland is unique for that watershed.
6. the presence or absence of exotic or nuisance plants within the wetland and adverse effects those plants have on the wetlands beneficial functions.
7. whether the proposed project eliminates or changes the wetland from one type to another.
8. the amount and quality of upland habitat preserved as conservation areas or buffer.
9. whether the applicant chooses to allocate funds to the County of Volusia Environmental Improvement Fund as provided in Section 8.2.7, C.

Except as provided in Section 8.2.7, A. 6., the mitigation ratio for created or restored wetlands shall not be less than four to one (4:1). The minimum mitigation ratio for wetlands which have been harvested for timber within five (5) years prior to submittal for a Development Order Review shall be a minimum of five (5) acres of created or restored wetlands to one acre of adversely impacted wetland.

C. Environmental Improvement Trust Fund

1. If the Wetlands Alteration Permit Application is not processed concurrently with a Development Order Review and a successful mitigation is not likely to offset unavoidable impacts, then the proposed development shall be assessed a mitigation fee.
2. All mitigation fees shall be deposited in a fund to be known as the Pierson Environmental Improvement Trust Fund. The purpose of the fund is to purchase, improve, create, restore, manage and replace natural habitat within the Town. The fund shall be used for these purposes. The fund may be utilized in concert with other funding sources for the purposes required under this Section. The fees may be used for the creation, or restoration of any wetland type.
3. The Environmental Improvement Trust Fund shall be expended as provided in paragraph 8.2.7, D.
4. Until a resolution of the Town Council approving the mitigation fees is adopted as provided herein, this Section shall not be operative.

D. Off-Site Mitigation

1. The Town may designate and attempt to purchase, or otherwise acquire, lands within the Town, which are suitable for the creation, acquisition, restoration or preservation of wetlands or wetland habitat systems, including adjacent upland habitat. The purpose of such designation is to provide areas suitable for the off-site mitigation of the impacts of wetland alteration.
2. The off-site mitigation areas may be developed with the intention of utilizing the areas for passive and/or active recreational parks, provided however, the wetlands beneficial functions are not adversely impacted.

SECTION 8.3 TREE PROTECTION

8.3.1 Intent

This section is intended through the preservation, protection and planting of trees to aid in the stabilization of soil by the prevention of erosion and sedimentation; to reduce storm water run-off and the costs associated therewith and replenish ground water supplies; to aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; to provide protection against severe weather; to aid in the control of drainage and restoration of stripped land subsequent to construction or grading; to conserve and enhance the Town's physical and aesthetic environment; and to generally protect and enhance the quality of life and the general welfare of the Town.

8.3.2 Review and Approval of Development Sites

If a development requires site plan approval by the Development Regulations Administrator, then it shall be reviewed and approved by the Development Regulations Administrator prior to issuance of a tree removal permit.

8.3.3 Removal of Trees

It shall be unlawful to cut down, move, remove, or effectively destroy through damaging, or to authorize the same unless the removal is authorized by a final development plan or tree removal permit.

8.3.4 Exemptions

Notwithstanding any other provision of this section to the contrary, any person may cut down, destroy or replace or authorize removal of one or more trees, whose trunks lie wholly within the boundaries of

property owned by said person without obtaining a Tree Removal Permit in accordance with the following:

- A. Said property is zoned for single-family or two-family use and a single-family or two-family dwelling or mobile home is located on said property and it is owner occupied.
- B. Said property contains trees which may have been determined by the Town of Pierson to be deteriorated as result of age, hurricane, storms, fire, freeze, disease, lightning or other Acts of God.
- C. Said property contains Agricultural uses as defined by Town codes.
- D. Said property is within an existing public or private right-of-way or maintenance easement and contains trees which must be removed or thinned to insure the safety of the motoring public and to maintain visibility of oncoming traffic at intersecting public streets or such other tree or trees which may disrupt public utilities such as power lines, drainageways and similar public needs. Provided, however, as may be determined by the Town of Pierson, specimen trees in public or private rights-of-way or utility easements may only be removed upon the issuance of a Tree Removal Permit. Said tree so removed shall be replaced with a replacement tree and the location of said replacement tree shall be as determined by the Town of Pierson's Development Regulations Administrator.
- E. Said property contains trees which are planted and grown for sale to the general public or some public purposes. All licensed plant or tree nurseries and botanical gardens are included in this exemption.
- F. The trees are one of the following species:

COMMON NAME	BOTANICAL NAME
Australian Pine	Causuarina litorea
Australian Pine	Casuarina glauca
Brazilian Pepper	Schinus terebinthefolius
Citrus	Citrus species
Ear Pod Tree	Enterolobium cyclocarpa
Chinaberry	Melia azedarach
Eucalyptus	Eucalyptus species
Punk Tree or Cajeput	Melaleuca quinquenervia
Silk Oak	Grevillea robusta
Woman's Tongue	Albizia lebbeck

8.3.5 Application for Tree Removal Permit

Prior to issuance of a tree removal permit, the developer shall submit a plan containing the following:

- A. A tree survey to scale no greater than one inch equals fifty feet (1" = 50 ft.), which identifies trees by location, common name and DBH.
- B. The tree survey shall denote the following information:
 - 1. Existing trees to be removed, relocated and retained, or,
 - 2. Replacement stock to be planted.
 - 3. Existing trees to be removed and trees to be retained requiring protection shall be clearly

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designated on-site. Method of designation shall be included in the plans submitted for review.

4. Existing and proposed utility easements.
5. Existing and proposed improvements on the site.
6. Name and address, signature, and telephone number of property owner and developer.
7. Legal description of the property and Parcel Number.
8. North arrow, scale, and identification of streets abutting the property.
9. Reason for removal of trees.

8.3.6 Specimen Tree Protection Requirements.

The following table sets forth the minimum requirements for the protection of specimen trees for all development within the Town upon site development plan or subdivision approval.

No. of Specimen Trees	Minimum Specimen Tree Protection Requirement
less than 3 per acre or a portion thereof	80 percent of all specimen trees
3.0 to 5.0 per acre	50 percent of all specimen trees
5.1 to 8.0 per acre	4 specimen trees per acre

Notwithstanding the exemptions of Section 6, the Developer of a subdivision shall provide legal mechanisms which insure the protection of specimen trees after construction has occurred on the development. Such mechanisms may include, but not be limited to conservation easements, common open space, tree protection easements, deed restrictions and homeowner association documents. Individual residential lots are to be permitted per subsection 8.3.5 and 8.3.12.

8.3.7 Area Tree Protection Requirements

Fifteen (15) percent of the square footage of any development shall be designated for the protection of trees. The area required to protect specimen trees may be included to satisfy this requirement. This required area may be constituted as one or more sub-areas within the development. Said area may include any landscape buffer or other landscape areas that may be required. Such designated areas shall contain sufficient land area to comply with minimum tree protection standards to adequately protect the trees contained within the areas. A minimum of fifty (50) percent of the required minimum number of trees as provided in Section , shall consist of existing trees within said area. The Development Regulations Administrator may provide for a waiver or modification of this requirement if the development contains an insufficient amount of existing trees to meet this requirement or, if a modification of this requirement is warranted by specific on-site conditions.

8.3.8 Relocation of Trees

The Development Regulations Administrator may provide for the relocation of existing trees to suitable areas within the development. Relocation shall be performed in accordance with sound industry practices, including watering to insure survival of replacement trees. Relocated trees may be applied toward required replacement trees.

8.3.9 Natural Vegetation Retention Areas

Areas of a development may be designated as natural vegetation retention areas indicating that all existing vegetation shall remain undisturbed on the area site. Under this designation, trees which contain sufficient size to meet the minimum replacement size and up to six (6) inches DBH size may be retained as replacement trees. Replacement trees shall be considered protected trees and shall be spaced sufficiently far apart to allow adequate growth room for the species.

8.3.10 Replacement of Trees

Trees identified for removal on the tree removal permit application shall be replaced by replacement stock. Replacement shall be based on the replacement of one-tenth (1/10th) of the total of the cross sectional area of the trunk(s) of the tree(s) removed. Cross sectional area shall be taken at the DBH of the tree. Single trees may be replaced with two or more trees provided the cross sectional requirements are met. In no event shall replacement stock be less than six (6) feet in height nor have a DBH of less than one and one-half (1-1/2) inches. Replacement species shall be the same general species as the tree removed or an alternate species acceptable to the Development Regulations Administrator. Palms may be used as replacement stock up to the full cross-sectional replacement area of palms being removed from the site.

Palms may be substituted as replacements for other species being removed under the following conditions:

1. If the cross-sectional area of palms being removed from the site comprises zero to twenty-five percent (0 - 25%) of the total cross-sectional area of trees being removed, palms may be substituted for replacement of non-palm species up to a maximum of twenty-five (25) percent of the total replacement cross-sectional area required.
2. If the cross-sectional area of palms being removed exceeds twenty-five (25) percent of the total cross-sectional area of trees being removed, no substitution of palms for non-palm species will be allowed. The use of palms will be restricted to the replacement cross-sectional area originally calculated based on palms that are being removed.
3. Since palms are generally moved as mature trees, it is necessary to equate cross-sectional area of commonly moved palms to cross-sectional area of commonly planted non-palm species when substituting palms for non-palm species under Item #2 above. For the purpose of substitution of palms for non-palms species, a ratio of sixteen (16) square inches of replacement cross-sectional area of palms may be substituted for one (1) square inch of replacement cross-sectional area of non-palm species.

For example, a six (6) inch DBH palm tree containing 28.26 square inches may be substituted for a one and one-half (1-1/2) inch DBH hardwood tree containing 1.77 square inches of cross-sectional area. The following informational chart indicates common size comparisons:

DBH of Palm	DBH of Non-Palm Species
6".....equates to.....	1-1/2"
8".....equates to.....	2"
10".....equates to.....	2-1/2"
12".....equates to.....	3"
16".....equates to.....	4"

This substitution ratio applies only when replacing non-palm species with palm.

8.3.11 Tree Survival

Except for any exemptions contained in Section 6 of this section, all trees relocated, replaced, or existing within the terms of this section shall be replaced in the event said trees expire. Said replacement stock shall be maintained in accordance with sound industry practices, including watering. If the development otherwise meets the minimum requirement subsection 8.3.6, the Development Regulations Administrator may waive the replacement requirements. To insure survival of trees, the developer shall also utilize the provisions of the Tree Protection Manual for Builders and Developers published by the Florida Department of Agriculture and Consumer Services Division.

8.3.12 Tree Protection During Development

A. Prior to the commencement of construction of a development, the applicant shall clearly mark any tree or tree groups to be maintained in the proximity of any area where land clearing equipment is to be operated. The markings shall remain in place during construction. Said equipment shall be operated in a manner as to not injure or destroy any trees in accordance with this section.

B. During the construction stage of development, a temporary barrier at least three (3) feet in height shall be formed a minimum radius of six (6) feet from the base of the tree or trees and it shall include at least fifty (50) percent of the area under the drip line of the trees. The developer shall not cause or allow the cleaning of equipment or material within the drip line of any tree or groups of trees to be maintained. Neither shall the developer cause or allow the disposal of waste material, such as paint, oil, solvents, asphalt, concrete, mortar, or any other material harmful to the life of a tree within the drip line of any tree or group of trees. No attachment, wire (other than the protective guy wires), signs, or permits may be fastened to a tree. Nothing contained herein shall be construed to prevent the designation of driveways or parking areas beneath tree branches so long as the impervious surface amounts to no more than fifty (50) percent of the total area under the drip line of the tree. In no event shall the impervious area be located closer than six (6) feet from the trunk of the tree. In no event shall motorized equipment be allowed to park on or traverse that area which is to remain in its natural state surrounding a tree which is to be preserved.

C. Except for palm trees, all trees and replacement stock shall have their natural soil level maintained. Tree Wells and/or planter island shall be provided, if necessary, to maintain the natural existing soil level. All efforts shall be made to maintain natural drainage to such trees.

D. In connection with the clearing of any lot for new construction on any lot, each lot shall contain a minimum of one (1) tree for each 2,500 square feet of lot area (rounded to the nearest whole number). If the lot contains an insufficient number of existing trees to meet this requirement, or if the lot has no existing trees, replacement trees shall be provided.

8.3.13 Standards of Review and Appeals

The Development Regulations Administrator in approving or denying a Permit shall consider the following:

1. The extent to which the actual or intended use of the property requires cutting down or destruction of trees.
2. The desirability of preserving any tree by reason of its size, age, or some other outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree.
3. The extent to which the area would be subject to increased water run-off and other environmental degradation due to removal of the trees.
4. The heightened desirability of preserving or enhancing tree cover in densely developed or densely populated areas.
5. The need for visual screening in transitional areas, or relief from glare, blight, commercial or

industrial unsightliness or any other affront to the visual or aesthetic sense in the area.

6. The effect that changes in the natural grade will have on the trees to be protected and preserved.

The applicant has the right to appeal to the Town Council at its next regular meeting to be heard if the Development Regulations Administrator disapproves the application or suggests other conditions or modifications thereto.

8.3.14 Stop Work Order

A Stop Work Order will be issued by the Development Regulations Administrator to any person found in the act of cutting down, destroying, damaging or removing trees in violation of this section. All work on any development permitted or non-permitted shall cease on the site when a Stop Work Order is issued and will not commence until in compliance.

8.3.15 Penalties

Any violation of this section shall be punishable by a fine not exceeding \$500.00, or imprisonment for Sixty (60) days or both such fine and imprisonment.

SECTION 8.4 WELLFIELD PROTECTION

8.4.1 Definitions

For the purposes of this Section, the following definitions shall apply:

EPA - United States Environmental Protection Agency.

Hazardous Substances - Those materials specified in Section 8.4.9 of these Regulations.

Non-residential Activity - Any activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity as defined herein.

Potable Water - Water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

Potable Water Supply Well - A potable water well to supply water which has been permitted for consumptive use by the St. Johns River Water Management District and the casing diameter is six inches or greater.

Primary Containment - The first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous substance being contained.

Primary Well Field Protection Zone - The land area immediately surrounding any potable water supply well and extending a radial distance of 200 feet.

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

Residential Activity - Any building of structure or portion there of that is designed for or used for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in Article V of these Regulations.

Secondary Containment - The level of product-tight containment external to and separate from primary containment.

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Secondary Well Field Protection Zone - The land area surrounding the Primary Well Field Protection Zone, and extending a radial distance of 800 feet from said Primary Well Field Protection Zone.

Spill - The release or escape of a hazardous substance, directly or indirectly to soils, surface waters or groundwaters.

Storage System - Any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.

Well - Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater, but such term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil bearing or natural gas-bearing formations or for storing petroleum or natural gas or other products or for temporary de-watering or subsurface formations for mining, quarrying or construction purposes.

Well Field - An area of land which contains or is designated for future use for one or more potable water supply well.

Well Field Protection Zone Permit - That permit issued by the Town of Pierson authorizing the activities provided in Section 8.4 of these Regulations.

8.4.2 Purpose and Intent

The purpose and intent of this Section is to safeguard the public health, safety and welfare of the people of the Town of Pierson, by providing for regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply well fields, thereby protecting the potable water supply from contamination.

8.4.3 Scope

The regulations set forth herein shall apply to all areas surrounding a well field and the designated Well Field Protection Zones and other areas of the Town as provided herein.

8.4.4 Designation of Enforcement Official, His Powers and Duties

The Development Regulations Administrator is hereby designated as the enforcement official whose duties shall include, but not be limited to, enforcement, inspection, record keeping, and administration in its section implementing this Article. The Town Council may at its option, adopt a fee schedule by resolution to provide for the funding of this program.

8.4.5 Establishment of Well Field Protection Zones

The Town Council hereby adopts a Primary and Secondary Well Field Protection Zone for each and every Potable Water Supply Well located within the Town limits. The geographic extent of said zones which shall be delineated on maps as now or hereafter updated and supplemented and which are on file at the Town Hall. Said maps are hereby adopted by reference by the Town Council.

8.4.6 Restrictions within the Zones

1. The Primary Well Field Protection Zone is established as a zone of exclusion where no development will be permitted.
2. Within the Secondary Well Field Protection Zone, the following land uses shall be prohibited:
 - a. landfills;

- b. facilities for the bulk storage, handling or processing of materials on the Florida Substance List;
- c. activities that require the storage, use or transportation of restricted substances, toxic or hazardous materials, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, etc.;
- d. feedlots or other commercial animal facilities;
- e. wastewater treatment plants, percolation ponds, and similar facilities;
- f. mines; and
- g. excavation of waterways or drainage facilities which intersect the water table.

8.4.7 Exemptions

The following activities or uses are exempt from the provision of this Section:

- 1. The transportation of any hazardous substance through either or both the Primary or Secondary Well Field Protection Zone, provided the transporting vehicle is in transit.
- 2. Agricultural uses, except that said uses shall comply with Chapter 487.011, et seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and Rule 5E 2.001 et seq., and Rule 5E-9.001, et seq., Florida Administrative Code.
- 3. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
- 4. Fire, police, emergency medical services, emergency management center facilities, and public utilities of this Section.
- 5. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
- 6. Office uses, except for the storage, handling or use of hazardous substances as provided for in applicable administrative codes.
- 7. Constructing, repairing or maintaining any facility or improvement on lands within any Primary or Secondary Well Field Protection Zone and within any said zone.
- 8. Storage tanks which are constructed and operated in accordance with the storage tanks regulations as set forth in Chapter 17-61, Florida Administrative Code.
- 9. Geotechnical Borings.
- 10. Residential activities.

8.4.8 Variances

The Board of Adjustments may, for good cause, authorize a variance from the terms of this Section as provided for in Article XI.

8.4.9 Hazardous Substances Regulated

A. The hazardous substances regulated by these Regulations shall consist of the following:

- 1. Chapter 38F-41 of the Florida Administrative Code (the Florida Substance List).
- 2. Title 40 of the Code of Federal Regulations Part 261 (Identification and Listing of Hazardous Wastes).
- 3. Title 40 of the Code of Federal Regulations Part 302.4 (Table 302.4) (List of Hazardous

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Substances and Reportable Quantities).

4. Title 40 of the Code of Federal Regulations Part 355, Appendix A and B (List of Extremely Hazardous Substances).

A hazardous substance, as defined herein, includes any solution, mixture, or formulation containing such materials, and also includes any material which, due to its chemical or physical characteristics, as determined by the local government which poses a substantial threat to the life, health, or safety of persons or property or to the environment.

8.4.10 Well Field Protection Zone Permits

Except as provided in Sections 8.4.6 and 8.4.7 of this Section, no person shall construct, modify, install, or replace, a hazardous substance storage system, or component thereof within the Primary or Secondary Potable Well Field Protection Zone or allow the discharge of a hazardous substance into the soils, groundwater or surface water within said zone. Underground vehicular fuel storage subject to Chapter 17-61, Florida Administrative Code, is exempt from these permit requirements.

A. General requirements:

1. Application for a well field protection permit, or renewal thereof, shall be made and completed in the manner and on the forms provided by the Development Regulations Administrator. The application shall be completed with all requested information and shall be signed by the owner or operator, as applicable. The completed application shall be submitted to the Development Regulations Administrator, together with the appropriate permit fee as established by the Town Council.
2. The Development Regulations Administrator shall issue or renew said permit upon the applicant's demonstration that all standards required by these Regulations and other applicable regulations have been met and upon receipt of the appropriate said fee.
3. Said permit, when issued, shall be in the name of the owner or operator, as applicable, which name may be that of an individual, firm, association, joint venture, corporation, partnership, governmental entity, or other legal entity. A permit shall specify the regulated facility covered by the permit. Said permit may cover one (1) or more hazardous substance storage systems located at the same facility. Said permit shall provide conditions necessary to ensure that the provisions of these Regulations are met. Commencement of construction of a regulated facility under a well field protection permit shall be deemed acceptance of all conditions specified in the permit.

B. Documents. When a well field protection permit is required, the following information and accompanying documentation as may be applicable shall be submitted to the Development Regulations Administrator, together with the completed application:

1. Construction plans and specifications for the hazardous substance storage system, including, but not limited to, details to tanks, conveyance and pumping systems, secondary containment, leak detection, overfill protection, and access.
2. Prior to any person causing, allowing, permitting, or suffering the placement of any hazardous substance in a storage system covered by a well field protection permit, pursuant to this Section, may not be approved unless the owner or operator demonstrates that the system has been constructed in substantial conformity with the permit.
3. Upon closure of a hazardous substance storage systems, the facility owner or operator shall notify the Development Regulations Administrator of intention to close the storage system.

C. Denial, Suspension, or Revocation of Permits.

1. The Development Regulations Administrator may deny, suspend, or revoke a permit for failure to comply with this Section and/or the conditions of any permit issued pursuant to this Section. The Development Regulations Administrator may revoke any permit issued pursuant to these Regulations on a finding that the permit holder or his agent:
 - a. Knowingly submitted false or inaccurate information in the application or operational reports.
 - b. Has violated the provisions of these Regulations or permit conditions.
 - c. Has refused lawful inspections as required by these Regulations.

8.4.11 Containment Standards

A. Except as provided in Sections 8.4.6 and 8.4.7 of this Section, no person, firm, or corporation shall construct or install any storage system for hazardous substances within any Primary or Secondary Well Field Protection Zone until an approved permit has been issued as provided in this Section.

B. Monitoring Capacity. Except as provided in Sections 8.4.6 and 8.4.7 of this Section, all storage systems intended for the storage of hazardous substances shall be designed with the capability of detecting that the hazardous substance stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by the Development Regulations Administrator.

C. Containment Requirements. Primary and secondary levels of containment shall be required for all storage systems intended for the storage of hazardous substances, except as provided in Sections 8.4.6 and 8.4.7 of this Section.

1. All primary containment shall be product-tight.
2. Secondary containment:
 - a. All secondary containment shall be constructed of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the discharge hazardous substances. Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The secondary containment shall be of adequate size to handle one hundred ten (110) percent of the volume of the largest container in order to contain all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any hazardous substances loss to the external environment. Secondary containment systems shall be sheltered so that the intrusion of precipitation is inhibited. These requirements shall apply to all areas of use, production, and handling, to all storage areas, and to aboveground and underground storage areas.
 - b. Vacuum suction devices, absorbent scavenger materials or other devices approved by the Development Regulations Administrator, shall be present on-site or available within a time set by the Development Regulations Administrator. Devices or materials shall be available in sufficient magnitude so as to control and collect the total quantity of hazardous substances. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of hazardous substances plus absorbent material.
 - c. Procedures shall be established for periodic in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be in writing. A regular checklist and schedule of maintenance shall be established and a log shall be kept of inspections and maintenance. Such logs and records shall be kept available on

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site for inspection by the Development Regulations Administrator.

D. Out-of-Service Storage Systems.

1. Storage systems which are temporarily out of services, and are intended to be returned to use, shall continue to be monitored and inspected.
2. Any storage system which is not being monitored and inspected in accordance with this chapter shall be closed or removed in a manner approved by the Development Regulations Administrator.
3. Whenever an abandoned storage system is located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed at a reasonable time as determined by the Development Regulations Administrator.

E. Maintenance, Repair, or Replacement.

1. Any substantial modification or repair of a storage system, other than minor repairs or emergency repairs, shall be in accordance with plans to be submitted to the Development Regulations Administrator and approved prior to the initiation of such work.
2. A facility owner or operator may make emergency repairs to a storage system in advance of seeking an approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment.
3. Replacement of any existing storage system for hazardous substances must be in accordance with the new installation standards.

ARTICLE IX - SIGNS

SECTION 9.1 GENERAL PROVISIONS

9.1.1 Definitions

Words and phrases used in this Article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in Article II shall have the meanings set forth in Article II.

Accessory Sign - A permanent ground or building sign that is permitted under these Regulations as incidental to an existing or proposed use of land.

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

Building Sign - A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Copy - The linguistic or graphic content of a sign.

Electric Sign - Any sign containing electric wiring.

Erect a Sign - To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Ground Sign - A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Illuminated Sign - A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Marquee - A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Marquee Sign - Any sign attached to, in any manner, or made a part of a marquee.

Multiple Occupancy Complex - a commercial use, i.e., any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Occupant - A commercial use, i.e., any use other than residential or agricultural.

Portable Sign - Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

Roof Line - A horizontal line intersecting the highest point or points of a roof.

Roof Sign - A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Sign - Any structure that displays letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trademarks or demonstrations, designed to advertise, inform, identify or to attract the attention of persons not on the premises on which the device or display is located.

Sign Face - The part of a sign that is or may be used for copy.

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Sign Face Area - The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign, Off-Site - Any sign relating in its subject matter to the commodities, accommodations, services, or activities on premises other than the premises on which the sign is located.

Sign Structure - Any construction used or designed to support a sign.

Vehicle Sign - Any sign affixed to a vehicle.

9.1.2 Relationship to Building and Electrical Codes

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the Town. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

9.1.3 No Defense to Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

9.1.4 Maintenance

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 Town, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

9.1.5 Time of Compliance: Nonconforming Signs and Signs Without Permits

Except as otherwise provided herein, the owner of any sign that does not conform with the requirements of these Regulations or for which there is no current and valid sign permit shall remove such sign or, in the case of a nonconforming sign, shall bring it into conformity with these Regulations.

A. Signs Existing on the Effective Date of These Regulations

For any sign existing in the Town on the effective date of these Regulations, an application for a sign permit must be submitted to the Development Regulations Administrator within one (1) year of such effective date. For any sign on property annexed at a later date than the effective date of these Regulations, applications for sign permits must be submitted within one (1) year of the effective date of the annexation. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of these Regulations and shall not be entitled to the protection of paragraph B.

B. Nonconforming Existing Signs, Permits and Terms

Any sign in existence on the effective date of these Regulations, or on a later date when the property is annexed to the Town, that would not be exempt under these Regulations, and that was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which is not in conformance with the requirements of these Regulations by reason of its size, height, location, design, or construction, shall be issued a Nonconforming Sign Permit if an application in accordance with paragraph 9.1.5, A of these Regulations is timely filed.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of these Regulations, to remain in place and be maintained for a period ending no later than five (5) years following the effective date of these Regulations, provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the

provisions of paragraph C. A change in the information on the face of an existing nonconforming sign is permitted. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair, or maintenance would constitute an expense of more than twenty-five (25) percent of the lesser of the original value or replacement value of the sign.

C. Expiration of Nonconforming Sign Permit

A Nonconforming Sign Permit shall expire and become void under the same circumstances as those under which any other sign permit may expire and become void.

D. Sign Removal Required

A sign that was constructed, painted, installed, or maintained in conformance with a permit under these Regulations, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed without notice or action from the Town.

E. Violations

Any of the following shall be a violation of these Regulations and shall be subject to the enforcement remedies and penalties provided in section 3.2.10:

1. to install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign;
2. to install, create, erect, or maintain any sign requiring a permit without such permit;
3. to fail to remove any sign that is installed, created, erected, or maintained in violation of these Regulations, or for which the sign permit has expired; or
4. to continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty provisions of these Regulations.

SECTION 9.2 EXEMPT SIGNS

The following signs are exempt from the operation of these sign regulations, and from the requirement in these Regulations that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

- A. Signs that are not designed or located so as to be visible from any street or adjoining property.
- B. Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Subsection 9.3.2 of these Regulations.
- C. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, the County of Volusia, or the Town of Pierson.
- D. Legal notices and official instruments.
- E. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Town Council for a prescribed period of time.
- F. Holiday lights and decorations.
- G. Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.

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- H. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- I. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- J. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
- K. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- L. Works of art that do not constitute advertising.
- M. Signs carried by a person.
- N. Religious displays.

SECTION 9.3 PROHIBITED SIGNS

9.3.1 Generally

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these Regulations.

9.3.2 Specifically

The following signs are expressly prohibited unless exempted by Section 9.2 of these Regulations or expressly authorized by Sections 9.4, 9.5, or 9.6 of these Regulations:

- A. Signs that are in violation of the building code or electrical code adopted by the Town.
- B. Any sign that, in the opinion of the Development Regulations Administrator, does or will constitute a safety hazard.
- C. Blank temporary signs.
- D. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- E. 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.
- F. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
- G. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- H. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, 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.
- I. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- J. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- K. Signs or sign structures that interfere in any way with 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 Town.

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- L. 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.
- M. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- N. Non-governmental signs that use the words "stop," "look," "danger", or any similar word, phrase, or symbol.
- O. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic-control lights.
- P. 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.
- Q. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- R. Searchlights used to advertise or promote a business or to attract customers to a property.
- S. 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.
- T. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to s. 337.407, Florida Statutes.
- U. 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 s. 337.407, Florida Statutes.
- V. 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.
- W. Signs on vehicles or trailers with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle or trailer:
 - 1. is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right of way;
 - 2. is visible from the street right of way that the vehicle is within one hundred (100) feet of; and
 - 3. is not regularly used in the conduct of the business advertised on the vehicle or trailer. A vehicle or trailer used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- X. Signs displaying copy that is harmful to minors as defined by these Regulations.
- Y. Portable signs as defined by these Regulations.

SECTION 9.4 PERMITTED TEMPORARY SIGNS

9.4.1 Where Allowed

Temporary signs are allowed throughout the Town, subject to the restrictions imposed by this section and other relevant parts of these Regulations.

9.4.2 Sign Types Allowed

A temporary sign may be a ground or building sign.

9.4.3 Removal of Illegal Temporary Signs

A temporary sign not complying with the requirements of these Regulations is illegal and subject to immediate removal.

9.4.4 Restrictions On Content of Temporary Signs

A temporary sign may display any message so long as it is not:

- A. Harmful to minors as defined by these Regulations.
- B. Advertising as defined by these Regulations, except that advertising for the following purposes may be displayed:
 - 1. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
 - 2. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding thirty (30) days within the first three (3) months that the occupancy is open for business.
 - 3. To identify construction in progress. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.
 - 4. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
 - 5. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message may be displayed no more than thirty (30) days prior to the opening of the temporary use and shall be removed within five (5) days after the special event.
 - 6. One banner sign may be placed against the face of a principal building for up to thirty (30) consecutive days, but not more than a total of ninety (90) days in any calendar year. The size of such banner signs shall not be more than one (1) square foot per one (1) linear foot of building width (frontage).

9.4.5 Permissible Size, Height and Number of Temporary Signs

- A. One-Family and Two-Family Residences - A parcel on which is located a single or one-family or two-family residence may display not more than two temporary signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed eight (8) feet in height.
- B. Three-Family and Four-Family Residences - A parcel on which is located a single three-family or four-family residence may display not more than four (4) temporary signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed eight (8) feet in height.
- C. On All Other Parcels - All other parcels may display one (1) square foot of temporary signage per ten (10) feet of frontage up to a maximum of one hundred (100) square feet. No individual sign

shall exceed sixty (60) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

SECTION 9.5 PERMITTED PERMANENT ACCESSORY SIGNS

9.5.1 Sign Types Allowed

A permanent accessory sign may be a ground or building sign. A permanent accessory sign may not be a roof sign.

9.5.2 Content

A permanent accessory sign may display any message so long as it is not harmful to minors as defined by these Regulations.

9.5.3 Permissible Number, Area, Spacing and Height of Permanent Accessory Signs

A. Ground Signs

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text:

Number of signs allowed	Total sign area allowed/Maximum sign area for individual sign (sq. ft.)	Minimum distance from any side property line/other permanent ground sign on the same site (ft.)	Maximum height (ft.)
1	32/32	10/NA	18

B. Building Signs -

1. Building signs shall not exceed the height of the building on which the signs are located.
2. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten (10) percent of the facade area (see Section 9.6, Measurement Determinations) of each building side.
3. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen (15) percent of the facade area (see Section 9.6, Measurement Determinations) of such exterior portion.
4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the facade area (see Section 9.6, Measurement Determinations) of the building side.

C. Multiple Frontages - If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no

ground sign on one right of way may be closer than one hundred (100) feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

9.5.4 Time-Temperature-Date Signs

Time-temperature-date signs are permitted as a permanent accessory sign on commercially developed parcels notwithstanding the general prohibition on changing signs. These signs may only display numerical information in an easily comprehensible way. They may be ground or building signs, and are subject to the regulations applicable to such signs. They shall be counted as part of an occupancy's allowable sign area.

9.5.5 Directional Signs

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

9.5.6 Signs at Entrances to Residential Developments, Ferneries, Nurseries, Farms and Ranches

- A. Generally - A permanent accessory sign may be displayed at the entrance to residential developments, ferneries, nurseries, farms and ranches.
- B. Restrictions -
 - 1. One (1) sign is permitted at only one (1) entrance into the development, fernery, nursery, farm or ranch from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.
 - 2. When considering the placement of such signs, the Planning Commission or Town Council, as the case may be, shall consider the location of public utilities, sidewalks and future street widenings.
 - 3. The Planning Commission or Town Council shall ensure that such signs shall be maintained perpetually by the Developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the Town Attorney. 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.

9.5.7 Flags

- A. Number - Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land.
- B. Size - The maximum distance from top to bottom of any flag shall be twenty (20) percent of the total height of the flag pole, or in the absence of a flag pole, twenty (20) percent of the distance from the top of the flag or insignia to the ground.

9.5.8 Utility Signs

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 (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

SECTION 9.6 MEASUREMENT DETERMINATIONS

9.6.1 Distance Between Signs

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two signs.

9.6.2 Facade Area

The facade 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 roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

9.6.3 Sign Area

- A. Generally - The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle, semicircle or combination thereof, the sides of which encompass the extreme points or edges of the sign face.
- B. Special Situations -
 - 1. Where a sign is composed of letters or pictures attached directly to a facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
 - 2. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.
 - 3. 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.
 - 4. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two dimensional outline of the sign.

9.6.4 Number of Signs

- A. Generally - In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous 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.
- B. Special Situations -
 - 1. Where two sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one sign.
 - 2. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.

9.6.5 Sign Height

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

SECTION 9.7 DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

9.7.1 Generally

All permanent signs must comply with the following design, construction and location standards.

9.7.2 Compliance with Building and Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the Town.

9.7.3 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 motorists or pedestrians using or entering public streets.
- C. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

9.7.4 Placement Standards

- A. Near Street and Driveway Intersections - Signs located within a clear visibility triangle shall conform to the requirements at Section 5.6.3 of these Regulations.
- B. In Right of Way - Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.
- C. Over Right of Way - No ground sign shall project over a public right of way.
- D. Blocking Exits, Fire Escapes, Etc. - No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

9.7.5 Clearance Standards

- A. Over Pedestrian Ways - All signs over pedestrian ways shall provide a minimum of nine (9) feet of clearance.
- B. Over Vehicular Ways - All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

9.7.6 Relationship to Building Features

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.

9.7.7 Maximum Projection

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

9.7.8 Maximum Window Coverage

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

9.7.9 Format for Multiple Occupancy Complexes

Building signs for multiple occupancy complexes constructed or remodeled after the effective date of these Regulations shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file by the Development Regulations Administrator. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Development Regulations Administrator to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Development Regulations Administrator upon submission of a revised plan and specifications detailing the revised format.

9.7.10 Signs Required to Be Certified By A Registered Engineer

The following signs shall be designed and certified by a State of Florida registered engineer or a State of Florida certified sign contractor:

- A. Building signs that project perpendicularly from the surface to which it is attached and that are more than twenty-four square feet in area.
- B. Ground signs of more than ten feet in height and sixty-four (64) square feet in area.

ARTICLE X - SITING REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES

SECTION 10.1 INTENT.

The regulations and requirements of this Article are intended to:

- A. promote the health, safety and general welfare of the citizens by regulating the siting of wireless communications facilities;
- B. accommodate the growing need and demand for wireless communications services:
- C. provide for the appropriate location and development of wireless communication facilities within the Town:
- D. recognize that the provision of wireless services may be an essential service within such land use categories as may be provided for under the Comprehensive Plan, subject to the limitations set forth in this ordinance;¹
- E. minimize adverse visual effects of wireless communication facilities through careful design, siting, landscape screening and innovative camouflaging techniques;²
- F. encourage the location and collocation of antennas on existing structures thereby minimizing new visual impacts and reducing the need for additional Antenna Support Structures; and
- G. further the balance between the need to provide for certainty to the communications industry in the placement of wireless communication facilities and the need to provide certainty to the residents and citizens of Pierson that the aesthetic integrity of the Town will be protected from the proliferation of unnecessary Antenna Support Structures.

SECTION 10.2 DEFINITIONS.

A. Accessory Equipment Building - Any building, cabinet or equipment enclosure constructed for the primary purpose of housing the electronics, backup power, power generators and other free standing equipment associated with the operation of antennas.

¹ It should be noted that the term "Wireless services" encompasses several different technologies, including wireless telephones, traditional non-cable television, AM/FM radio, paging and dispatch services. Some or all of these services may be considered "essential services" depending on public necessity. Because of the need for wireless service during natural disasters and other emergencies, the wireless telephone industry believes it should be considered an essential service throughout the State, but the FLC and FAC believe this should be determined by each locality.

² It is recommended that if other types of effects can be precisely identified such effects should be included.

B. Alternative Site - One or more separate locations where a new Antenna and Antenna Support Structure could be located or where a new antenna on an existing structure could be located to serve substantially all of the area intended to be served by a proposed antenna.

C. Antennas - Any apparatus designed for the transmitting and/or receiving of electromagnetic energy which includes but is not limited to telephonic, radio or television communications. Types of antennas include but are not limited to, whip antennas, panel antennas, and dish antennas. As used herein the term antenna includes all antennas integrated and used as a single unit, such as an antenna array. For purposes of this ordinance, the following shall not be considered antennas and shall not be regulated by this ordinance: privately owned amateur radio and citizens band antennas, irrespective of height and diameter, and antennas with a total diameter or width, including all parts of the antenna arrays, of two meters or less in commercial or industrial areas, or one meter or less in all areas³, if mounted no greater than twenty-five (25) feet above the roofline.

D. Antenna Support Structure - A facility that is constructed and designed primarily for the support of Antennas, which include the following types: (i) Guyed Tower - A tower that is supported in whole or in part by guy wires and ground anchors or other means of support in addition to the superstructure of the tower itself; (ii) Lattice Tower - A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section; (iii) Monopole - An unguyed tower of a single pole design; and (iv) Camouflaged Structure - A structure designed to support Antenna and designed to blend into the existing surroundings. Privately owned amateur radio and citizens band antennas support structures shall be exempt from this ordinance.

E. Building Envelope - The area defined by the required building setback lines within which a principal structure may be located.

F. Collocation - When more than one FCC licensed Provider uses an Antenna Support Structure to attach Antennas.

G. Existing Structures - Any lawfully constructed man-made structure including but not limited to Antenna Support Structures, buildings, utility structures, light poles, clock towers, bell towers, steeples, water towers and the like, which allow for the attachment of Antennas.

H. FAA - The Federal Aviation Administration.

I. FCC - The Federal Communications Commission.

J. Provider - An FCC licensed communications company.

K. Temporary Mobile Telecommunications Tower – Also known as “Cellular on Wheels (COW’s) Shall mean mobile wireless telecommunications towers operated temporarily to handle special communications demands occurring as a result of or in association with a disaster or special event.

SECTION 10.3 ANTENNAS ATTACHED TO EXISTING STRUCTURES.

A. Where Permitted. Antennas attached to Existing Structures shall be permitted in all zoning districts

³ This is based on the federal requirement for the exemption of earth stations, television antennas, satellite dishes, and other types of antennas (47 CFR 25.104 and 47 CFR 1.4000) and should not be amended.

----- *Article X- Siting Regulations for Wireless Communication Facilities* -----

subject to the requirements of this Section

B. Requirements. All Antenna installations shall meet the following requirements:

1. Antennas may be located on Existing Structures with a height of thirty (30) feet or greater, so long as the Antennas do not extend more than fifteen (15) feet above the highest point of the Existing Structure, and as limited by 3., below;
2. Antennas may be located on Existing Structures with a height of less than thirty (30) feet, so long as the Antennas do not extend more than five (5) feet above the highest point of the Existing Structure, and as limited by 3., below;
3. Notwithstanding subsections 1 and 2 above, Antennas, as defined in Section 2, shall not be located on single family structures.
4. No advertising shall be allowed on an Antenna;
5. No signals, lights, or illumination shall be permitted on an Antenna, unless required by any applicable federal, state or local rule, regulation or law;
6. Antennas shall comply with all applicable Federal Communications Commission emission standards;
7. Design, construction, and installation of antennas shall comply with all applicable local building codes;
8. Accessory Equipment Buildings used in conjunction with Antennas, if located on the ground, shall comply with the minimum accessory building setback requirements of the zoning district in which they are located.
9. All Antenna Support Structures shall be camouflaged.

C. Approval Process. All Antenna installations attached to existing structures shall require a site plan and a Town Development Permit. All such site plans and permits which comply with the requirements of this ordinance shall be approved administratively

D. Non-conforming Antennas. All Antennas legally installed at the time of initial installation may be repaired, replaced and/or relocated at an equal or lower height on the Existing Structure if they substantially comply with this Ordinance.

SECTION 10.4 ANTENNA SUPPORT STRUCTURES.

- A. Where Permitted. New Antenna Support Structures within the town limits of the Town of Pierson shall be located only in A-I. Agriculture zoning districts.
- B. Approval Process: Every request for approval of new Antenna Support Structure shall be reviewed as a Special Exception and shall require a site plan.

- C. Intent and purpose. The intent and purpose of this subsection is to address and balance the concerns about Antenna Support Structures and the recognized need of the Provider to serve the entire community. These issues shall be reviewed on a case-by-case basis for each Special Exception request in accordance with the existing procedures and standards set forth in Section 10.3⁴ and the provisions of this subsection. The Town Council may consider the recommendation of the Planning Board when determining whether or not to grant Special Exception approval. Additionally, the Town Council shall consider and weigh the aesthetic impact and compatibility issues of the proposed Antenna Support Structure with the public benefit derived from having an efficient and reliable wireless communications system.
- D. Application Requirements. To assist the Planning Board and the Town Council in carrying out their respective responsibilities, the application shall provide the information set forth below:
1. Design of the Antenna Support Structure with particular reference to design characteristics that have the effect of reducing visual obtrusiveness;
 2. Nature of principal uses on the site, with preference being given to the use of sites which are already developed with non-residential or business uses and which are currently visually impacted by tall structures, utility facilities, light poles, or other similar improvements;
 3. Nature of uses on adjacent and nearby properties and the proximity of the Antenna Support Structure to all adjacent land uses, with preference being given to A-I zoned sites and wetland areas.
 4. On-site and surrounding tree coverage and foliage, with preference being given to sites which can provide heavy vegetative screening of an Antenna Support Structure; and
 5. List of other Alternative Sites and Existing Structures that were evaluated prior to selecting the proposed location, and reasons for rejecting them.

Special Exception Criteria. In determining whether to approve a Special Exception request for an Antenna Support Structure, in addition to those criteria set forth in Sections 10.3, Special Exceptions⁵, the Town Council shall consider whether the following criteria will be satisfied:

1. There is a demonstrated need for a new Antenna;
2. The proposed Antenna Support Structure will not have substantial and adverse aesthetic impact on the community. The Town Council determination shall be based on relevant and competent evidence, documentation, and testimony received at the public hearing from the staff, the applicant and any party in support or opposition or their respective representatives. The Town

⁴ This section reference is intended to refer to Section 10.3, Town of Pierson Unified Land Development Regulations, the general requirements governing special exception approval that apply to any special exception request.

⁵ This section reference is intended to refer to Section 10.3, Town of Pierson Unified Land Development Regulations, the general requirements governing special exception approval that apply to any special exception request.

----- *Article X- Siting Regulations for Wireless Communication Facilities* -----

Council shall utilize the following criteria in determining if a Special Exception is deemed approvable:

- a. Aesthetic impact: Aesthetic impact shall take into consideration, but not be limited to, the amount of the Antenna Support Structure that can be viewed from surrounding residential zones in conjunction with the Antenna Support Structure's proximity (distance) to the residential zone, mitigation, landscaping or intervening visual buffers, existing character of surrounding area, or other visual options proposed by the applicant. Aesthetic impact shall also take into consideration, but not be limited to, the visibility of the Antenna Support Structure from the line of sight along any arterial roadway as designated by the Town's comprehensive plan. For purposes of applying this "line of sight" criterion, Special Exception approval shall not be granted by the Town Council for any Antenna Support Structure that lies within a 2 degree offset from the centerline of a one mile or longer substantially straight segment of arterial road right-of-way within a 5-mile radius of the proposed Antenna Support Structure. (See illustration below.)
- b. Compatibility, Compatibility shall take into consideration the degree to which an Antenna Support Structure is designed and located to be compatible with the nature and character of other land uses and/or with the environment within which the Antenna Support Structure proposes to locate. The Antenna Support Structure may be placed or designed to assist with mitigating the overall aesthetic impact of an Antenna Support Structure.

3. The proposed Antenna Support Structure satisfies the requirements of Sections 11.5 and 11.6.

SECTION 10.5 GENERAL REQUIREMENTS FOR ALL ANTENNA SUPPORT STRUCTURES.

A. Antenna Support Structures shall be constructed in compliance with all applicable construction building codes, which shall include Electronic and Technological Industry Association standards, as amended.

B. No Antenna Support Structure shall exceed 200 feet in height

C. No Antenna Support Structures shall be located less than one thousand (1000) feet from any road right-of-way, railroad, residence, business, public property, residentially zoned property or business zoned property.

D. To encourage a reduction in the number of Antenna Support Structures that may be required to meet the community's increasing demand for wireless service, Antenna Support Structures shall be structurally designed to accommodate the collocation of Antennas as follows:

1. All Antenna Support Structures over 80 feet and up to and including 150 feet in height shall be structurally designed to accommodate at least two Providers,
2. All Antenna Support Structures exceeding 150 feet in height shall be structurally designed to accommodate at least three Providers.

E. An Antenna Support Structure may be located on a zoning lot containing other principal uses and may be located within an area smaller than the minimum lot size of the applicable zoning district if the zoning of the lot within which the Antenna Support Structure is located complies with the applicable minimum lot size for the existing principal use or is a legal non-conforming or grand fathered lot.

----- *Town of Pierson Unified Land Development Regulations* -----

F. Unless another section of this Article indicates otherwise, the area within which the Antenna Support Structure is located shall be the area subject to the requirements of this section, rather than the entire zoning lot.

G. Antenna Support Structures shall comply with the minimum setback requirements of the underlying zoning district, except additional setbacks due to height shall not apply. Ground anchors for guyed towers shall meet the minimum setbacks for accessory structures in the underlying zoning district.

H. Prior to the issuance of a building permit, the applicant shall provide evidence that the Antenna Support Structure is in compliance with F.A.A. and Local Aviation Administration regulations.

I. No advertising shall be allowed on the Antenna Support Structure.

J. No signals, lights, or illumination shall be permitted on the Antenna Support Structure, unless required by any federal, state or local agency, or such lighting or illumination is part of the design of a camouflage structure.

K. The Antenna Support Structure site (exclusive of guy wires and anchors where applicable) shall be enclosed within a metal/wood fence or a wall not to exceed 8 feet in height. This requirement shall not apply to Camouflaged Structures and may be waived by the Development Regulations Administrator for other Antenna Support Structures if the structure is made unclimbable up to a height of above twenty feet.

L. Landscaped buffers including a visual screen of plant material shall be provided between an Antenna Support Structure or Accessory Equipment Building and public streets or residential parcels.

1. If the site on which an Antenna Support Structure or Accessory Equipment Building is located abuts the public right-of-way or residentially developed or zoned property, the Antenna Support Structure or Accessory Equipment Building shall be screened from such abutting use by placing the landscaping along the security fence or wall.
2. If the site on which an Antenna Support Structure or Accessory Equipment Building is not immediately abutting a public right-of-way or residentially developed or zoned property, the landscaping shall be provided along the boundaries of the zoning lot between the Antenna Support Structure or Accessory Equipment Building and the public right-of-way or residentially developed or zoned property.
3. Existing landscaping, vegetation or intervening buildings or permanent structures which provide the equivalent screening may be substituted.
4. If required, the landscaped buffers and screens shall comply with the provisions of Subsection 5.6.6, Landscaping Requirements.

M. The only signage that may be permanently attached to the fence or wall shall be for the purpose of identifying the party responsible for the operation and maintenance of the facility, its address, and telephone number, and security or safety signs.

N. Mobile or immobile equipment not used in direct support of the wireless facility shall not be stored or parked on the site, unless repairs to the Antennas and related equipment and/or to the Antenna Support Structure are being made.

SECTION 10.6 ACCESSORY EQUIPMENT BUILDINGS.

Accessory Equipment Buildings used in conjunction with the operation and maintenance of Antennas shall be permitted subject to the following requirements:

- A. Shall not exceed 750 square feet of gross floor area per Provider:
- B. If ground constructed or mounted, shall not exceed twenty (15) feet in height:
- C. Shall be located within close proximity, as is reasonably possible, to the structure upon which the Antennas are attached:
- D. If ground constructed or mounted, shall meet the underlying zoning district setback requirements for accessory structures;
- E. Shall be designed, constructed, and installed in compliance with all applicable local-building codes. If pre-fabricated, shall be certified by the State of Florida under all applicable state laws:
- F. Shall be of a material and/or color which matches or complements the exterior of the Existing Structure, if any, where the Antennas are located; and
- G. If ground constructed or mounted, shall meet the landscaping requirements of Subsection 11.5.1. of this ordinance.

SECTION 10.7 REMOVAL OF ABANDONED ANTENNA SUPPORT STRUCTURES.

- A. At time of building permit the applicant shall enter into a contractually enforceable agreement with the Town that requires the applicant or the owner of the Antenna Support Structure to remove the Antenna Support Structure upon its abandonment.
- B. In the event all legally approved use of any Antenna Support Structure has been discontinued for a period of one hundred eighty (180) consecutive days, the Antenna Support Structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Development Regulations Administrator who shall have the right to request documentation and/or affidavits from the Antenna Support Structure owner regarding the issue of Antenna Support Structure usage.
- C. At such time as the Development Regulations Administrator reasonably determines that an Antenna Support Structure is abandoned, the Development Regulations Administrator shall provide the Antenna Support Structure owner with written notice of an abandonment determination by certified mail. Failure or refusal by the owner to respond within sixty (60) days of receipt of such notice, shall constitute prima facie evidence that the Antenna Support Structure has been abandoned.
- D. If the owner of the Antenna Support Structure fails to respond or fails to demonstrate that the Antenna Support Structure is not abandoned, the Antenna Support Structure shall be considered Abandoned and the owner of the Antenna Support Structure shall have an additional one hundred twenty (120) days within which to: (i) reactivate the use of the Antenna Support Structure or transfer the Antenna Support Structure to another owner who makes actual use of the Antenna Support Structure within the one-hundred-twenty-

day period, or (ii) dismantle and remove the Antenna Support Structure. At the earlier of one hundred twenty-one (121) days from the date of Abandonment without reactivation or upon completion of dismantling and removal, any special exception approval for the Antenna Support Structure shall automatically expire.

**SECTION 10.8 NONCONFORMING ANTENNA SUPPORT STRUCTURES.
REPLACEMENTS AND MODIFICATIONS OF EXISTING STRUCTURES.**

To encourage the use of sites which already have an Existing Structure that creates a visual or height impact, modifications to or replacement of such facilities may occur subject to the following conditions:

- A. Non-conforming Antenna Support Structures: All Antenna Support Structures legally installed at the time of initial construction, which, because of changes to the Unified Land Development Regulations, no longer conform to the requirements of the Unified Land Development Regulations, shall be considered legally permitted non-conforming uses. Such facilities may be used or repaired and, may be replaced or modified in accordance with this Section.
- B. Modification or Replacement of Existing Structures to Accommodate Collocation:
 - 1. Modification or Replacement of Existing Antenna Support Structures. An existing Antenna Support Structure may be modified or replaced to accommodate the collocation of Antenna(s) as follows:
 - a. Antenna Support Structures which, when modified or replaced, will conform to the requirements of the Unified Land Development Regulations, may be modified or relocated on the same zoning lot up to the requirements of the Unified Land Development Regulations.
 - b. Antenna Support Structures which, when modified or replaced, will not conform to the requirements of the Unified Land Development Regulations, may be increased in height, one time, up to forty feet above the approved height and/or may be relocated on the same zoning lot, one time, within 75 feet of the existing location, with administrative review and without conformance with any other setbacks, or height related requirements.
 - c. After the Antenna Support Structure is replaced, as provide herein, the existing Antenna Support Structure shall be removed within 90 days.
 - d. An Antenna Support Structure which is modified or replaced to accommodate the collocation of additional Antenna(s) shall be either of the same type as the existing Antenna Support Structure or a monopole.
 - 2. Utilization of Existing Structures Other Than Antenna Support Structures. An Existing Structure, other than an Antenna Support Structure, may be modified or replaced to accommodate both its prior function and Antenna(s) as follows:
 - a. Such Existing Structures which when modified or replaced will conform to the requirements of the Unified Land Development

----- Article X- Siting Regulations for Wireless Communication Facilities -----

Regulations for Antenna Support Structures, may be modified or relocated on the same zoning lot up to the requirements of the Unified Land Development Regulations.

b. Such Existing Structures which, when modified or replaced, will not conform to the requirements of the Unified Land Development Regulations for Antenna Support Structures, may be:

(1) increased in height one time,

(a) if a distance greater than 110% of the height of the modified Existing Structure from any single-family residential structure, up to 50% of the height of the Existing Structure or 40 feet, whichever is less; or

(b) if the distance is less than 110% of the height of the modified Existing Structure from any single-family residential structure, up to 25% of the height of the Existing Structure or 40 feet, whichever is less.

(2) relocated on the same zoning lot, one time, within 50 feet of the existing location, with administrative review and without conformance with any other setbacks, separations or height - related requirements contained herein.

c. The modified or relocated pole-type structure shall comply with all applicable FCC and FAA regulations and applicable building codes.

SECTION 10.9 TEMPORARY MOBILE COMMUNICATIONS TOWERS.

- A. A temporary mobile communication tower may be placed, erected and/or operated on any public or private property within the Town, without prior approval by the Town, for a period not exceeding 72 hours, provided written permission has been given by the property owner. The Tower owner/operator shall deliver a copy of the written permission to the Town Hall within 4 hours of the placement of the Temporary Mobile Communications Tower or, if the Town Hall is not open during that 4 hour period, then the owner shall deliver a copy to the Town Hall within the first 2 hours that the Town Hall is open for regular business following the placement of the Temporary Mobile Communications Tower.
- B. The Town Council Chairman may approve a specified extension of time *not* exceeding 21 days, provided, the owner/operator has demonstrated to the Chairman's satisfaction that said tower is necessary to serve a public need.
- C. Extensions beyond 21 days may be granted by the Town Council only after the owner/operator has demonstrated to the Council's satisfaction that said tower is necessary to serve a public need.

SECTION 10.10 EXEMPTIONS.

The Town Council may exempt from the provisions of this Article any antenna and/or antenna support

structure on property owned by the Town of Pierson except that which lies between CSX Railroad and Highway 17.

SECTION 10.11 CONTINUING NOTIFICATIONS.

Radiation limits are specified and administered by the FCC. Any changes to those limits requires a notice to the Town that a facility, including all tenants, are in compliance with the **new** limits. This should be submitted no later than 90 days from the effective date of the change by the FCC.

ARTICLE XI - APPEALS, VARIANCES, SPECIAL EXCEPTIONS AND AMENDMENTS

SECTION 11.1 APPEALS

The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination of the Development Regulations Administrator in the enforcement of these Regulations. In regard to any matter being appealed, the Board shall have all the powers of the Development Regulations Administrator.

Appeals may be taken by any person aggrieved or by any officer, board, department or agency of Town government adversely affected by any decision of the Development Regulations Administrator. An appeal shall be taken within 30 days after rendition of the order, requirement, decision or determination, by filing with the Development Regulations Administrator and with the Town Clerk, a written Notice of Appeal specifying its grounds. The appeal shall be on a form prescribed by the Board.

Upon receipt of the Notice of Appeal, the Development Regulations Administrator shall transmit to the Board all documents, plans, papers or other materials relating to the appealed decision.

11.1.1 Effect of Appeals on Proceedings

An appeal to the Board of Adjustment does not stay any work on the premises unless the Development Regulations Administrator certifies to the Board that, by reason of facts stated in that certificate, there is an imminent peril to life or property. Upon the filing of that certificate, all work must be stopped, and an order from the Board or a circuit court must be obtained before it can be recommended.

11.1.2 Public Hearing

The Board of Adjustment shall hold a public hearing on any appeal, after due public notice and notice to all owners of contiguous property. It shall decide the appeal within a reasonable time. At the hearing, any person may appear in person or by agent or attorney. If the Board finds that the Town should pay the costs of an appeal, it may so recommend to the Town Council for appropriate disposition.

SECTION 11.2 VARIANCES

The Board of Adjustment may authorize, upon application, such variance from the terms of the Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary and undue hardship.

11.2.1 Written Petition

A written petition for a variance shall be submitted to the Development Regulations Administrator demonstrating:

- A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning classification.
- B. The special conditions and circumstances do not result from the actions of the applicant.
- C. Literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the Code, and would work an unnecessary and undue hardship on the applicant.
- D. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. The grant of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved.

The Development Regulations Administrator shall refer a copy of the application to the Board at least one (1) week prior to the meeting of the Board before which the application is to be heard.

11.2.2 Public Hearing

The Board of Adjustment shall hold a public hearing on any application for variance, after due public notice and notice to all owners of contiguous property. It shall decide the application within a reasonable time. At the hearing, any person may appear in person, or by agent or attorney.

11.2.3 Conditions and Safeguards

The Board of Adjustment may impose on the grant of any variance, any conditions or safeguards not otherwise required, if deemed necessary or desirable in furthering the purposes of these Regulations. Violation of any such conditions or safeguards may result in a revocation of any variance permit, in addition to any other remedy for such violation provided in these Regulations or by law.

11.2.4 Limitation of Power to Grant Variances

A variance may be granted only to modify the area, size, setbacks, or open space requirements of these Regulations. Under no circumstances shall the Board of Adjustment grant a variance to permit or expand a use not generally or by special exception permitted in its zoning classification. A variance may be granted only if the applicant meets all of the conditions listed in Section 10.2.1.

No non-conforming use of neighboring land, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

11.2.5 Expiration of Variance

If a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or, if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire. A shorter or longer period of time may be set by the Board of Adjustment.

SECTION 11.3 SPECIAL EXCEPTIONS

The Town Council¹ shall hear and decide applications for such special exceptions as are specifically authorized under these Regulations, in the following manner:

11.3.1 Written Petition; Application Procedure

A written petition for a special exception shall be submitted to the Development Regulations Administrator. The petition shall include any information or exhibits necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these Regulations. Such information or exhibits may include:

- A. Site plans to scale, showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and loading areas, refuse and service areas, required yards and other open spaces.
- B. Utilities.
- C. Landscaping or buffer areas.
- D. Proposed signs and lighting.
- E. Any additional information deemed necessary by any reviewing department or agency.

¹ As amended per Ordinance 99-2, February 24, 1999.

The Development Regulations Administrator shall refer a copy of the application to the Planning Commission at least one (1) week prior to the meeting of the Commission before which the application is to be heard.

11.3.2 Public Hearing

The Planning Commission shall hold a public hearing, after due public notice and notices to all owners of contiguous property, for review of each application for special exception. after due public notice and notices to all owners of contiguous property. The Development Regulations Administrator shall refer a copy of the application to the Planning Commission at least one week prior to this hearing.

Following its review of the application, the Planning Commission shall recommend to the Town Council that the application be approved, approved with conditions or denied.²

11.3.3 Town Council Review: Public Hearing

The Town Council shall hold a public hearing, after due public notice, for review of each application for special exception. The Development Regulations Administrator shall refer a copy of the application and the Planning Commission's recommendation to the Town Council at least one (1) week prior to this public hearing.

Following its review of the application and the recommendation of the Planning Commission, the Town Council may approve, deny, or approve with conditions such application for special exception.³

11.3.4 Conditions and Safeguards

The Town Council⁴ may impose on the grant of any special exception any conditions or safeguards not otherwise required, if deemed necessary or desirable in furthering the purpose of these Regulations. Violation of any such condition or safeguards shall be deemed a violation of these Regulations, and may result in a revocation of any special exception permit, in addition to any other remedy for such violation provided in these Regulations or by law.

11.3.5 Reasons for Denial

The Town Council⁵ may deny any application for a special exception for one or more of the following reasons:

- A. It is inconsistent with the purpose or intent of these Regulations.
- B. It is inconsistent with any element of the Comprehensive Plan.
- C. It will adversely affect the public interest.
- D. It does not meet the expressed requirements of the applicable special exception.
- E. The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the Commission.
- F. It will generate undue traffic congestion.
- G. It will create a hazard, a public nuisance, or be dangerous to individuals or to the public.

²As amended per Ordinance 99-2, February 24, 1999.

³ Same

⁴ Same

⁵ Same

H. It will materially alter the character of surrounding neighborhoods, or adversely affect the value of surrounding land, structures, or buildings.

I. It will adversely affect the natural environment, natural resources, or scenic beauty, or cause excessive pollution.

11.3.6 Expiration or Abandonment of Special Exception Uses

If a special exception does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or, if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire.

Special exceptions are not transferable from the applicant to any other person, and do not run with the land. A special exception shall immediately expire if the applicant to whom the special exception was granted does vacate the premises.

11.3.7 Preservation of Special Exception Uses

A particular use or structure which was legally authorized under the terms of Ordinance No. 57 or any subsequent amendment thereto, and which would be permitted as a special exception under the terms of these Regulations, may be continued after the effective date of these Regulations as if a special exception under these Regulations has been expressly granted therefore. Any terms or conditions which applied to such use or structure prior to the effective date of these Regulations, including limitations on time, shall remain in full force and effect following the effective date of these Regulations.

SECTION 11.4 APPEALS FROM THE BOARD OF ADJUSTMENT

Any person aggrieved by any decision of the Board of Adjustment may apply to the circuit court for review by certiorari, within 30 days after the rendition of the decision by the Board. He shall notify all interested persons, and all persons entitled by these Regulations to receive notice of the original public hearing, by certified mail, return receipt requested, of his taking of such an appeal. An appeal pending on the effective date of these Regulations shall continue and be governed by the previous Zoning Ordinance No. 57.

SECTION 11.5 REHEARING AND ADMINISTRATIVE RES JUDICATA

If it is alleged that the Board of Adjustment has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the Board may be granted by the Board, either on the motion of any member voting on the prevailing side, or on the motion of any person aggrieved by its decision. The motion shall be in writing, shall be filed with the Development Regulations Administrator within 10 working days after the rendition of the decision, and shall state its grounds. The movant shall serve it by Certified Mail, upon all Board members and all other interested persons, together with a notice stating the date, time and place it will be orally presented to the Board.

If the Board grants such a motion, it shall state its reasons for doing so, and set a time, date and place for another public hearing upon due public notice.

The Board shall not otherwise rehear a petition based upon the same facts or issues until at least 1 year has elapsed from the date of rendition.

SECTION 11.6 AMENDMENT OF OFFICIAL ZONING CODE

11.6.1 Application for Amendment

An application for amendment of the Official Zoning Regulations or Map shall be on a form supplied by the Development Regulations Administrator, which shall be filed with the Development Regulations Administrator, together with any applicable fees.

The Development Regulations Administrator shall refer a copy of the application to the Planning Commission at least one week prior to the meeting of the Planning Commission before which the application is to be heard.

11.6.2 Planning Commission Review; Public Hearing

The Commission shall hold a public hearing on each application after due public notice, and forward its recommendation to the Town Council and to the applicant.

In its review of each application, the Commission shall consider:

- A. Whether it is consistent with all adopted elements of the Comprehensive Plan.
- B. Its impact upon the environment or natural resources.
- C. Its impact upon the economy of any affected area.
- D. Its impact upon any existing necessary governmental services such as schools, sewage disposal, solid waste or transportation systems.
- E. Any changes in circumstances or conditions affecting the area.
- F. Any mistakes in the original classification.
- G. Its effect upon the use or value of the affected area.
- H. Its impact upon the public health, welfare, safety or morals.

11.6.3 Town Council Review and Determination; Public Hearing

The Town Council shall hold a public hearing after due public notice on all recommendations from the Commission. The Town Council shall apply those standards as contained in Section 10.6.2, A through H in making its determination. It may accept, reject, modify, return or seek additional information on those recommendations. No approval of an amendment of these Official Zoning Regulations shall be made unless, upon motion, three (3) members of the Town Council concur.

11.6.4 Consistency of Zoning and the Comprehensive Plan

An amendment of the zoning regulations or map that is not consistent with the adopted comprehensive plan of the Town of Pierson or any part or element thereof shall not become effective unless and until the comprehensive plan is amended to the extent that such zoning amendment shall be consistent with the plan.

APPENDIX A - STREET NAMING CHART

A proposed street which is obviously in alignment with another existing and named street, shall bear the assigned name of such existing street. In no case, except as provided for in the preceding sentence, shall the name of a proposed street duplicate or be phonetically similar to the assigned name of an existing street in Volusia County, irrespective of the use of a suffix (e.g., street, avenue, boulevard, drive, place, court, etc.). Each street name shall include a suffix. The suffixes shown below shall be used only in accordance with the specified conditions.

<u>Suffix</u>	<u>Conditions for Use</u>
Circle.....	A short street that returns to itself.
Court or Place.....	A cul-de-sac or dead-end street.
Loop	A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
Boulevard	A relatively broad street lined with trees or a center median.
Street	"Street" shall be used when the alignment runs generally east-west.
Avenue	"Avenue" shall be used when the alignment runs generally north-south.