

CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS



ADOPTED NOVEMBER 2013

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Article 1 – General Provisions

Sec. 1-1. Title.

This document shall be entitled the "City of Marianna, Florida Land Development Regulation Code" and may be hereinafter referred to as the "Code."

Sec. 1-2. Authority.

This Code is enacted pursuant to F.S. §§ 163.3161—163.3215 (Community Planning Act), Ordinance No. 776, and the general powers granted under F.S. ch. 166.

Sec. 1-3. Repeal of prior provisions.

All resolutions, Codes or other ordinances in conflict with the provisions of this Code are hereby repealed.

Sec. 1-4. Interpretation.

In the interpretation and application of this Code, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the City; and (3) deemed neither to limit nor repeal any other power granted to the City.

The language of this Code shall be interpreted according to the following rules unless that interpretation would be inconsistent with manifest intent of the City Commission.

1. 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. Delegation of authority. Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
3. Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.
4. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.
5. Shall, may. The word "shall" is mandatory; "may" is permissive.

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6. Tense. Words used in the past or present tense include the future as well as the past or present.
 7. Year. The word "year" shall mean a calendar year, unless otherwise indicated.
 8. Boundaries. Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:
 - a. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
 - b. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

Sec. 1-5. Definitions.

The following definitions shall be used for administration of this Code.

Abandon. To cease or discontinue a use or activity without intent to resume. Indicators of abandonment shall be prolonged vacancy of a use or activity with disconnection of public utilities and no obvious maintenance. Uses or activities which are vacant but are being offered for sale or lease shall not be considered abandoned.

Abutting or adjacent. Having a common border with, or being separated from such a common border by an alley or easement.

Accessory structure. A subordinate or ancillary structure detached from the principal structure and customarily used in connection with the occupation of the principal use or structure on the same lot, parcel or property. At a minimum, accessory structures shall include storage buildings and other structures used for storage, shops, garages, carports, utility buildings, greenhouses, swimming pools, decks, patios, fences and satellite dishes.

Accessory use. A subordinate or ancillary use of land, or structure or improvements thereon, customarily used in connection with the occupation of the principal use or structure upon the same lot, parcel or property.

Adjacent. See Abutting.

Assisted Living Facility. A type of residential care facility as defined in F.S. ch. 400, pt. II.

Affordable housing. Housing units, as defined in ss. 420.602, F.S.

1. A housing unit to be occupied by very-low-income persons, that monthly rents, or monthly mortgage payments including property taxes and insurance, do not exceed 30

percent of that amount which represents 50 percent of the median adjusted gross annual income for the households within the county in which the housing unit is located, divided by 12.

2. A housing unit to be occupied by low-income persons, that monthly rents, or monthly mortgage payments including taxes and insurance, do not exceed 30 percent of that amount which represents 80 percent of the median adjusted gross annual income for the households within the county in which the housing unit is located, divided by 12.
3. A housing unit to be occupied by moderate-income persons, that monthly rents, or monthly mortgage payments including taxes and insurance, do not exceed 30 percent of that amount which represents 120 percent of the median adjusted gross annual income for the households within the county in which the housing unit is located, divided by 12.

Alley. A roadway dedicated to public use affording only a secondary means of access to abutting property and not intended for general traffic circulation.

Antenna support structure. Any building or other structure, other than a tower, which can be used for the location of telecommunication facilities.

Apartment. Any building or portion thereof used as a multiple-resident dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

Area or area of jurisdiction. The total area of jurisdiction for the City as established by its municipal charter and any subsequent annexations.

Arterial road. A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed, as classified by the Florida Department of Transportation.

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

Block. Land usually bounded on all sides by roadways or other physical boundaries such as water or public space, and not traversed by a through roadway (not including alleys).

Boardinghouse. An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation, and where food is placed upon a table for consumption without the ordering of portions from a menu.

Buffer. A specified land area, together with any planting, landscaping, fencing or any physical structure erected on the land used to visibly separate one use from another or to shield or block views, noise, lights, or other incompatibilities between land uses.

Building. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building official. The chief building official or building inspector for Jackson County.

Building permit. An official document or certificate issued by the building official authorizing performance of building or construction activity.

Child care facility. Any establishment which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, whenever operated, and whether or not operated for profit.

Child care, family day care home. An occupied residence in which child care is regularly provided for no more than five children, and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit.

City. The City of Marianna, Florida, a municipal corporation.

City Clerk. The duly appointed clerk of the City.

City Commission. The elected legislative body of the City.

City Manager. The duly appointed City Manager of the City.

Clinic. A structure where patients who are not lodged overnight are admitted for examination and treatment by any health care provider.

Clubs, neighborhood recreation or social. Buildings or facilities owned and operated by a corporation or association for neighborhood social or recreational purposes but not operated primarily for profit or the rendering of services which are customarily carried on as a business and not limited to special interests.

CMRS. Commercial Mobile Radio Services, as defined in section 704 of the Telecommunications Act of 1996, which includes cellular, personal communications, specialized mobile radio, enhanced specialized mobile radio and similar services that currently exist or that may in the future be developed.

Code enforcement officer. Any duly authorized Code enforcement official of the City.

Collector road. A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed, as classified by the Florida Department of Transportation.

Collocation or collocate, telecommunication facility. The use of one communication tower by two (2) or more CMRS license holders or by one (1) license holder for more than one (1) type of communication technology.

Commercial uses. Activities within land areas which are predominately connected with the sale, rental and distribution of products, or performance of services for pecuniary gain.

Communication antenna. Any system of electrical conductors designed to transmit and/or receive electromagnetic waves.

Communication tower. A structure which does not exceed two hundred fifty (250) feet in height (including antenna) measured from grade on which transmitting anchor receiving antennas are located. This term "communication tower" shall not include towers utilized by amateur radio operators licensed by the Federal Communication Commission (FCC). Communication towers are generally described as either monopole, lattice, or guyed.

Community park. A park located near major roadways, and designed to serve the needs of more than one neighborhood.

Community residential home. A dwelling which provides a living environment for seven to 14 unrelated clients including disabled or handicapped persons, developmentally disabled or handicapped persons, or nondangerous mentally ill persons or children. As defined by Chapter 419 of the Florida Statutes, a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides for a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff may be necessary to meet the physical, emotional, and social needs of the residents.

Comprehensive Plan. The adopted Comprehensive Plan for the City.

Concurrency. Necessary public facilities and services to maintain adopted level of service standards are available when the impacts of development occur.

Condominium. That form of ownership of real property which is comprised of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

Conservation uses. Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality of quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

Contiguous. Next to, abutting, or having a common boundary.

County. Jackson County, Florida.

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

Developer. Any person, including a governmental agency undertaking any development.

Development. The word "development" shall have the same meaning as set forth in F.S. § 380.04, as may be amended or superseded.

Development order. Any order issued by the City which has the effect of approving, or approving with conditions, any development; a "development order" allows a developer to proceed with obtaining a building permit.

Director. The Director of the Municipal Development Department.

Dock. A fixed or floating structure, including moorings, used for berthing buoyant vessels.

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

Drainage detention structure. A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

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

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

Dripline. The outermost perimeter of the crown of a tree as projected vertically to the ground.

Duplex. A residential building containing two separate dwelling units joined by a common wall.

Dwelling or dwelling unit. A single housing unit providing complete, independent living facilities for one housekeeping unit.

Dwelling, detached single-family. A building containing one dwelling unit not attached to any other dwelling unit.

Dwelling, multifamily. A residential building containing two or more separate dwelling units, including duplexes, triplexes, and quadraplexes.

Easement. An implied grant of way of necessity or a statutory way of necessity exclusive of common-law right as defined in F.S. § 704.01.

Educational uses. Any land or structure used for public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

Family. Two or more persons living together in one structure, domicile, house, apartment or dwelling unit, usually possessing a head, who has a right, at least in a limited way, to direct and control those gathered in the household and who is legally or morally obligated to support himself and any other members and, if applicable, other persons who are at least partially dependent on the head of the family for support.

Fence. A manmade barrier erected to prevent escape or intrusion, mark a boundary or border, or provide a buffer between properties, land uses, or zoning districts.

Filling (service) station. Any building, structure, or land used for the dispensing, sale, or offering for sale at retail any motor fuels, oils, or accessories, and which may offer in conjunction therewith a minor motor vehicle repair service as distinguished from general motor vehicle repairs.

Flood insurance rate map (FIRM). The official map of the City, on which the federal insurance administrator has delineated both the special areas and the risk premium zones applicable to the City.

Floodplains or flood zone. Areas subject to flooding as identified on flood insurance rate maps or flood hazard boundary maps.

Foster care facility. A structure which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

Garage apartment. An accessory building with storage capacity for not less than two motor vehicles, the second floor of which is designed as a residence for not more than one family.

Group home. See Community residential home.

Hard surface. Compacted shell, limestone, asphalt, concrete, or other similar substances.

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

Height. The vertical distance from the highest point on a structure, except any chimney, antenna, steeple, or similar fixture on a building, to the average ground level where the walls or other structural elements intersect the ground.

Historic resources. All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the City as historically, architecturally, or archaeologically significant.

Home occupation. Any occupation, profession or service conducted entirely within a dwelling and carried on solely by the resident thereof, the conduct of which is clearly incidental to the use of the structure for residential purposes. A "home occupation" does not include retail sales on the premises.

Home office of convenience. A quasi-office use where the occupant conducts no business other than by phone or mail, where no persons are employed by the resident, where an office is needed for the purpose of sending and receiving mail and telephone calls, maintaining records, and other similar functions, and where no parcel delivery is conducted.

Hotel. Any building, or group of buildings within a single complex of buildings, which is kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests.

Impervious surface. Any surface or material which prevents absorption of water into the land.

Impervious surface ratio. The ratio of the total impervious surface area to the gross area of a lot or parcel.

Industrial uses. Any activity within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

Infrastructure. Manmade structures which serve the common needs of the City, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Intensity. The degree to which land is used, developed or occupied.

Junkyard. An open area where waste and used or secondhand materials are salvaged, recycled, bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires and bottles, but excluding motor vehicle wrecking yards.

Kennel. An establishment which houses and provides care for household pets and where grooming, breeding, boarding, training or selling of animals is conducted for profit.

Kennel, private. An accessory structure used for purposes of providing shelter, or restraining, six or less household pets.

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

Land use. The development, activity, or use that has occurred on or is proposed for the land.

Landscaping. The improvement of appearance or beautification of an area by the planting of trees, grass, shrubs, or other plant materials, or by the alteration of ground contours.

Laundry, self-service (laundromat). A business renting to the individual customers equipment for the washing, drying and otherwise processing laundry, and where the equipment is serviced and its use and operation supervised by the management.

Level of service. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility as defined in the Comprehensive Plan.

Local planning agency. The Planning and Zoning Board of the City.

Local road. A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

Lot. A parcel, tract, or area of land established by plat, subdivision, deed, or other instrument of conveyance.

Lot, corner. A lot abutting two or more intersecting streets.

Lot coverage. The area of a lot or parcel covered by buildings, structures, pavement, or other impervious surface.

Lot depth. The depth of lot is the distance measured from the midpoint of the front lot line to the midpoint of the opposite rear lot line.

Lot line, front. The property line which separates the lot from the roadway right-of-way providing principal access; principal access being that from which mail delivered by the U.S. Postal Service is normally received.

Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the official records of the county.

Lot split. Division of land into two lots where no drainage, roadway or other improvement except installation of water and sewer connections is required.

Lot, substandard. Any lot that does not conform in area or width to established minimum requirements.

Lot width. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

Low-income persons. One or more natural persons or a family, not including students, as defined in ss. 420.004, F.S., with a total annual household income that does not exceed 80 percent of the median annual adjusted gross income for households within the county in which the person or family resides. (See also Moderate-income persons)

Major thoroughfare. Any principal arterial, minor arterial or collector roadway as classified by the Florida Department of Transportation.

Manufactured building. As defined by Chapter 553, Part I, Florida Statutes, a manufactured building is defined as a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building which shall include, but not limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage buildings manufactured and assembled offsite by a manufacturer certified in conformance with Chapter 553, Part I, Florida Statutes. This definition does not apply to mobile homes.

Manufactured home park. A use of land in which lots or spaces are offered for rent or lease for the placement of manufactured homes and in which the primary use of the park is residential.

Manufactured home subdivision. A subdivision occupied by manufactured homes where the individual lots are owned by owners, and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer.

Manufactured housing. As defined by Title 24 CFR, Part 3280, a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length; and when erected on site, is 320 or more square feet in living area; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to §3282.13 and complies with the standards set forth in part 3280. Such term shall not include any self-propelled vehicle such as a Recreational Vehicle.

Mixed use. Areas intended to provide a functional, integrated mix of land uses.

Mobile home. A structure fabricated prior to June 15, 1976 and transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Moderate-income persons. One or more natural persons or a family, as defined in ss. 420.004, F.S., with a total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the county in which the person or family resides.

Motel, tourist court, motor lodge. A group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, and designed for use primarily by automobile transients.

Motor vehicle. The word "motor vehicle" shall have the meaning set forth in F.S. ch. 320.

Multiple-resident dwelling. A structure designed or used for residential occupancy by more than two related or unrelated residential groups, with or without separate kitchen or dining facilities, including apartment houses, apartment hotels, roominghouses, boardinghouses, fraternities, sororities, dormitories, and similar housing types.

Natural Drainageway. A natural route or course along which water moves or may move to drain an area.

Neighborhood park. A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

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

Nonconforming use. A lawful land use existing at the time of passage of this Code or amendments thereto, which does not conform to the provisions of this Code.

Nursing home facility. As defined in Section 400.021, Florida Statutes, any facility which provides nursing services as defined in part I of Chapter 464, Florida Statutes, and which is licensed according to that part.

Open space. Land in its natural state or essentially unencumbered by either buildings, structures, or impervious surfaces, except for drainage control structures or retention ponds.

Open space ratio. The amount of open space area remaining on a lot or parcel as compared to the impervious surface area of the same lot or parcel.

Parcel of land. A quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

Park. A neighborhood, community, or regional park.

Parking lot. An area or parcel of land used for temporary, off-street parking of vehicles.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Personal service. Business providing services which are primarily nonretail and conducted entirely inside a building including: professional and business offices, clinics, laboratories, educational services, and beauty salons.

Planned Unit Development (PUD). A tract of land which is developed as a unit under single ownership or control and which is planned and developed in a single operation or within a proposed period of time by a series of scheduled development phases according to an officially approved final PUD development plan, which does not necessarily correspond to the property development and use regulations of the conventional zoning districts; but which allows for innovative design by permitting flexibility in building siting and mixtures of housing types and

land uses, and encouraging the utilization of usable open space and the maintenance of significant natural features.

Playground. A recreation area with play apparatus.

Pollution. The presence in the outdoor atmosphere, ground or water of any substances, contaminants, 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 unreasonably interfere with the enjoyment of life or property.

Potable water facilities. A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

Premises. A lot or parcel of land together with all structures, buildings, grounds or other appurtenances located thereon.

Principal structure. The main or primary structure located on a lot or parcel.

Public access. The ability of the public to physically reach, enter or use recreation sites and other public facilities.

Public facilities. Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities.

Public/institutional uses. Structures or lands that are owned, leased, or operated by a government, quasipublic, or nonprofit entity, such as civic and community centers, churches, hospitals, libraries, police stations, fire stations, and government administration buildings, education and military facilities.

Quadraplex. A residential building with four separate dwelling units.

Recreational uses. Sites, facilities and land where recreation activities occur.

Recreational vehicle-type units. Motor vehicles or trailers as defined in F.S. § 320.01.

Residential care facilities. Residential care facilities are those facilities providing both a residence (for varying periods of time) and a care component. Among such facilities are assisted living facilities, group care homes, recovery homes, residential treatment facilities, emergency shelters, and nursing homes, as any of the preceding may be defined in F.S. ch. 400.

Residential uses. Activities within land areas used predominantly for housing.

Restaurant, fast food. An establishment whose principal business is the sale of a wide range of food and/or beverages in a ready-to-consume state for consumption: (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carryout orders, and whose principal method of operation includes the following characteristics: Food and/or beverages are usually served in disposable containers; this includes all drive-in restaurants.

Restrictive covenant. A contract between two or more persons which involves mutual promises or reciprocal benefits and burdens among the contracting parties (usually involves additional land restrictions beyond the City requirements).

Right-of-way. Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

Roadway functional classification. The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Salvage yard. A land use on which waste material, inoperative appliances, inoperative motor vehicles, or other products or machinery is collected, dismantled, salvaged or stored for the purpose of resale either as used parts or reusable materials.

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

Services. The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the Comprehensive Plan or required by local, state, or federal law.

Setback. The distance between the lot line or other specified point and the total area of a structure, including roof overhang or eaves, or any other attached structure or fixture.

Shoreline. The interface of land and water as determined by the ordinary high-water line or mean high-tide line.

Sign. Any device, structure, fixture or placard using graphics, symbols, and/or written copy designed for the purpose of advertising or identifying any establishment, product, goods, or services.

Site plan. The development plan for one or more lot(s) or parcel(s) which depicts existing and proposed conditions of the lot(s) or parcel(s) including all the requirements set forth in this Code.

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

Stormwater. The flow of water which results from a rainfall event.

Street or roadway. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street line. The boundary line or right-of-way line of a street.

Structural alterations. Any change, except for repairs or replacement, in the supporting members of a building, such as loadbearing walls, columns, beams, girders, floor joists, or roofjoists or any extension of them.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a lot or parcel of land, including a moveable structure while it is located on land and which can be used for housing, business, commercial, recreational, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, advertising signs, etc.

Subdivision. The division of a parcel of land, whether improved or unimproved, into three or more contiguous lots of parcels of land, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, or transfer of ownership or, if the establishment of a new street is involved, any division of such parcel; provided, however, that the division of land into parcels of more than five acres not involving any change in street lines or public easements of whatsoever kind is not to be deemed a subdivision.

Telecommunication facilities. Any cable, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term "telecommunications facilities" shall not include:

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- Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned for industrial or commercial use.
 - Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.

Telecommunication Tower. A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities.

Townhouse. A single-family dwelling unit constructed as part of a group of not less than two dwelling units with individual entrances, all of which are contiguous, customarily owner-occupied, and share a common wall.

Tree. Any living, self-supporting, woody perennial plant which has a trunk diameter of no less than three inches and normally grows to an overall height of no less than 15 feet.

Triplex. A residential building with three separate dwelling units joined by common walls.

Used car lot. A parcel of land used only for the storage, display, and sales of used automobiles, excluding junkyards and storage of wrecked autos.

Variance. An administrative action granted to aggrieved or adversely affected property owners as a method of alleviating hardship by allowing a reasonable use of the land, building, structure, or property, which, because of unusual or unique circumstances, is restricted by the provisions of this Code.

Vegetation (natural). Species of indigenous, naturally occurring plants normally found in the absence of development or landscaping.

Violation. Any conduct, act, or activity which is in conflict or contrary to the provisions and requirements of this Code.

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

Wetlands. Transitional areas between terrestrial and aquatic systems that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated or hydric soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or other improvements permitted herein.

Yard, front. A yard across the full width of the lot, extending from the front line of the building or any projections thereof, to the front lot line (see Lot line, front).

Yard, rear. A yard extending across the full width of the lot and between the rear lot and rear line of the building, or any projections thereof.

Yard, side. An open unoccupied space on the same lot with the main building, situated between the side line of a building, or any projections thereof, and [the] side lot line.

Zero lot line house. An attached single-family housing unit with one or more common walls designed for owner occupancy. Zero lot line houses include patio houses, garden homes, townhouses, row houses, duplexes, and the like.

Zoning district. A categorization or grouping of activities (land uses) according to common characteristics.

Sec. 1-6. Purpose and intent.

1-6.1. Generally.

The purpose of this Code is to utilize and strengthen the existing role, processes and power of the City in the establishment and implementation of Comprehensive Planning programs and land development regulations in order to maintain present advantages as well as guide and control future development.

It is the intent of this Code that its adoption is necessary so that the City can preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within its area of jurisdiction. Through the process of Comprehensive Planning and land development regulation, it is intended that the City can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within the City's area of jurisdiction.

The provisions of this Code in their interpretation and application are declared to be the minimum requirements necessary to protect human, environmental, social, and economic resources, and to maintain, through orderly growth and development, the character and stability of present and future land use and development within the City.

1-6.2. Comprehensive Plan.

This Code is further intended to provide detailed and specific provisions necessary or desirable to implement the Comprehensive Plan including but not limited to:

1. Regulating the subdivision of land;
2. Regulating the use of land and water for those land use categories included in the future land use element of the Comprehensive Plan and ensure the compatibility of adjacent uses and provide for open space;
3. Regulating areas subject to seasonal or periodic flooding and provide for drainage and stormwater management;
4. Ensuring the protection of environmentally sensitive lands designated in the Comprehensive Plan;
5. Regulating signage;
6. Providing that public facilities and services meet or exceed the standards established for public facilities in the Comprehensive Plan, and such public facilities and services are available when necessary to serve proposed development or when development permits are conditioned upon the availability of such public facilities and services in an enforceable development agreement;
7. Ensuring safe and convenient on-site traffic flow considering needed vehicle parking.

Sec. 1-7. Applicability.

The provisions of this Code shall govern all development undertaken in the City.

1-7.1. Exceptions.

1. Existing development activity. The provisions of this Code or any amendments thereto shall not affect the validity of any lawfully issued and effective permit if:
 - (a) The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto; and
 - (b) The development activity continues without interruption (except by reason of war, natural disaster, or act of God) until the development is complete. If the permit expires, any further development on that site shall occur only in conformance with the requirements of this Code, or any amendments

thereto.

2. Previously approved permits. Projects with permits that have not expired at the time this Code 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 ordinance(s) under which the development was originally approved, must meet only the requirements of the ordinance in effect when the development plan was approved. If the permit expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code, or any amendments thereto.
3. Consistency with Comprehensive Plan. Nothing in this Code shall be construed to authorize development which is inconsistent with the Comprehensive Plan.

Sec. 1-8. Abrogation.

This Code is not intended to repeal, abrogate or interfere with the conditions or limitations of any existing easements, covenants, or deed restrictions duly recorded in the public records of the county.

Sec. 1-9. Relationship to other laws.

If any subject of this Code is controlled by any other law, statute, ordinance or regulation, then that which imposes the more stringent standard or requirement shall govern.

Sec. 1-10. Severability.

If any section, paragraph, sentence, or clause hereof or any provision of this Code is declared to be invalid or unconstitutional, the remaining provisions of this Code shall be unaffected thereby and shall remain in full force and effect.

Sec. 1-11. Enforcement and penalties.

In the event of a violation of this Code, the City may pursue any or all of the following actions. The rights and remedies of the City hereunder are cumulative and not exclusive of any other rights or remedies contained in this Code, or other applicable ordinance, rule or law. No delays on the part of the City in exercising any right, power or privilege hereunder shall operate as a waiver thereof nor shall any or [sic] partial exercise of any right, power or privilege hereunder preclude the City from exercising such right, power or privilege at a later date.

1-11.1. Enforcement responsibilities.

The provisions of this section shall be administered by the City manager, or his designated representative. In addition to other remedies provided by this Code and other applicable laws, regulations or ordinances, the City manager shall take the following actions when a violation has been determined to exist:

1. No subsequent development approval or order shall be issued until the violation has been corrected;
2. The violator shall be informed that no further work or construction under an existing development approval or order may proceed until the violation is corrected. Such stop work order shall be issued by the City manager and shall become effective at the time of delivery to the violator;
3. Any building, structure, accessory structure, land clearing or other form of development which is constructed, erected, placed or otherwise located in the City without a duly authorized development order or not in conformance with conditions of such order, or not in conformance with the provisions of this Code, may be declared a public nuisance, and be subject to the provisions of Articles II, III, and IV of Chapter 22, Code of the City of Marianna, Florida.

1-11.2. Enforcement procedures.

1. It shall be the duty of the City manager to initiate proceedings against violators of this Code. No member of any appointed board or body shall have any authority to initiate such enforcement proceedings.
2. Except as provided in paragraph 3, when a violation of this Code has been determined to exist the City manager shall issue a written warning in the form of a "Notice of Intent" to find a violation. The notice of intent shall be delivered to the violator and shall include the specific provisions of this Code to which the violations(s) apply. The violator shall have ten working days to correct or remedy the violation(s) specified in the notice of intent, or to enter into a written agreement with the City which specifies what actions will be taken to correct or remedy the violation by a date certain. If, after the applicable period, the violation has not been corrected or remedied, the City manager shall issue a "Notice of Violation" to the violator. Such notice of violation shall constitute a formal citation and shall subject the violator to the penalties prescribed in subsection 1-11.4.
3. If the City manager has reason to believe that any violation of this Code presents an imminent threat to the public health, safety and welfare, a notice of violation shall be issued immediately without any notice of intent.

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4. Extensions of the ten-day period to correct or remedy violations may be approved by the City manager upon demonstration of extenuating circumstances by the violator.
 5. Any notice of intent or notice of violation shall be served personally by a duly authorized code enforcement or law enforcement officer or, in the alternative, it shall be sent to such parties by registered or certified mail, return receipt requested, to the owner of record of the real property occupants or to the violator, whichever applies. If the name of any such party or his place of residence or his post office address cannot be ascertained after diligent search, or in the event a show cause notice which is sent by either registered or certified mail shall be returned undelivered, constructive service will be perfected by publishing a copy thereof, once a week for two consecutive weeks in a newspaper of general circulation within the City. A copy of such show cause notice shall be posted in a conspicuous place in City hall.

1-11.3. Appeals.

1. An appeal of any notice of violation may be initiated by any person charged with a violation of this Code. Appeals proceedings shall be as specified in subsection 2-6.6.
2. Initiation of an appeal as specified herein shall stay the imposition of penalties provided in subsection 1-11.4 until such time as a final order is issued by the City Commission.

1-11.4. Penalties or remedies.

1. Criminal penalties. Any person failing to comply with the provisions of this Code shall be charged with a misdemeanor of the second degree and shall, upon conviction, be subject to fine and imprisonment as provided by law. Each day of a continued violation shall constitute a separate offense.
2. Civil remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained, or any building, structure, land, or water is used in any violation of this Code, the City may institute appropriate civil action in a court of competent jurisdiction to prevent, correct, or abate the violation, including, but not limited to, the City seeking injunctive relief to prevent the continued violation of this Code.
3. Expenses, lien. If, after enforcement action has been initiated pursuant to this section, a violation continues to exist the City may cause the violation to be remedied at the expense of the property owner.

Sec. 1-12. Effective date.

This Code shall take effect on November 5, 2013, in accordance with City Ordinance No. 1021.