
Article 4 – Development Standards

Sec. 4-1. Zoning districts.

4-1.1. Purpose.

In order to promote consistency with the goals, objectives, and policies of the Comprehensive Plan and this Code, it is necessary and proper to establish a series of zoning districts to ensure that the City can: preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, and general welfare; provide adequate and efficient public facilities and services; conserve and protect natural resources; and, ensure the compatibility of adjacent land uses.

4-1.2. Applicability.

All development within each zoning district as described in subsection 4-1.3 shall be consistent with the stated purposes, allowable uses and development standards as set forth in this Article.

4-1.3. Zoning districts.

The following zoning districts or abbreviations shall be used for implementing this section:

1. R-1, Single-Family Residential District;
2. R-2, Single and Two-Family Residential District;
3. R-3, Multiple-Family Residential District;
4. MU, Mixed Use District;
5. COM, Commercial District;
6. IND, Industrial District;
7. REC, Recreation District;
8. PI, Public/Institutional District;
9. CON, Conservation District;
10. RT, Rural Transition;

-
11. DISTA, Downtown Improvement Special Treatment Area;
 12. WPSTA, Wellhead Protection Special Treatment Area;
 13. HSTA, Historic Special Treatment Area;
 14. ISTA, Industrial Special Treatment Area; and
 15. DPSTA, Distribution Park Special Treatment Area.
 16. MUSTA, Mixed Use Special Treatment Area
 17. PUD, Planned Unit Development

4-1.4. Zoning district map.

The boundaries and designations of zoning districts specified in subsection 4-1.3 shall be as shown on the map entitled "Zoning Map of the City of Marianna, Florida." Such map shall be on file in the office of the Municipal Development Department and shall be available for inspection by all interested parties during normal working hours.

4-1.5. Interpretation of districts or boundaries.

Where, due to the scale, lack of detail or legibility of the zoning map, the boundary line of any district is uncertain, the Director shall determine its location. Any person aggrieved by the location of a boundary line as determined by the Director may appeal the determination to the appeals board. The Director and the appeals board shall apply the following standards in determining the location of a district boundary line:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the right-of-way lines of alleys, streets, easements, rail lines, or watercourses unless such boundary lines are fixed by dimensions on the zoning map.
2. Where the zoning map indicates a district boundary line along or following a lot line, the lot line shall be the boundary line.
3. Where a zoning district boundary line divides a tract or plot of land, the location of the boundary line, unless indicated by dimensions on the zoning map, shall be determined by the use of the map scale shown thereon.
4. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, any determination of the boundary line shall give due consideration to the history of the uses of property,

the history of building permits, and all other relevant facts.

4-1.6. Scrivener's error.

In the event that an error(s) occurs through drafting, reproduction or other means in the location of a zoning district boundary line as shown on the zoning map, the Director will fully document the error(s) and report the results to the Planning and Zoning Board. The Planning and Zoning Board shall hold a public hearing concerning the correction of such error(s) and, after conduct of the public hearing, shall have the authority to direct the correction of such error(s) to show accurate zoning district boundary lines.

4-1.7. Allowable uses and development standards.

1. R-1, single-family residential district.
 - a. Purpose. The purpose of this district is to provide areas for the preservation or development of low density residential neighborhoods consisting of single-family dwelling units on individual single-family lots.
 - b. Allowable uses. The following uses are allowed as of right in R-1 districts; all other uses are conditional uses as specified in paragraph c or prohibited:
 - i. Single-family detached dwellings on single-family lots.
 - ii. Gardens customary to residential occupancy and accessory structures incidental thereto.
 - iii. Neighborhood parks.
 - iv. Accessory uses or structures as set forth in section 4-2 of this Article, including accessory dwelling units.
 - v. Residential subdivisions as specified in section 4-7 of this Code.
 - vi. Public utilities customarily found in residential areas.
 - vii. Signs as specified in Article 5 of this Code.
 - c. Conditional uses. The following uses may be allowed in the R-1 district upon approval by the Planning and Zoning Board and the City Commission subject to the following conditions, or any other conditions that might be considered necessary to maintain the integrity of the R-1 district.

-
- i. Public/institutional uses, except for those including maintenance yards, repair yards, vehicle parking lots, equipment storage, or other similar facilities, provided all landscaping and buffer requirements as specified in section 4-3 are met.
 - ii. Community residential homes if within a 1,000 foot radius of another community residential home or contains more than six residents.
- d. Development standards.
- i. Minimum lot area(s): 10,000 square feet. With no City water or sewer service available, 21,780 square feet (one-half acre).
 - ii. Minimum lot width(s):

Square or rectangular: 75 feet.

Corner: 90 feet.

Cul-de-sac or curve: 20 feet.
 - iii. Maximum building height: 35 feet unless within the Downtown Improvement Special Treatment District which has a height limitation of 70 feet.
 - iv. Density: No more than four dwelling units per acre.
 - v. Intensity: No more than 50 percent lot coverage, 50 percent required open space.
 - vi. Minimum building setbacks for principal structures:

Front: 20 feet from lot line.

Side(s): Ten feet from lot line.

Rear: 20 feet from lot line.

Setbacks on odd-shaped lots will be determined by averaging the setback measures at right angles from the lot line to the building corners.

Front setbacks on curves or cul-de-sac will be determined by measuring at right angles from a line drawn through the front lot line corners to the front of the building.

Setbacks for corner lots will be determined by measuring the front setback as the distance from the lot line to the side of the building with the main entrance. Side setbacks will be measured from the lot line to the side of the building without a main entrance. Rear setbacks will be established by the Director.

For buildings with unusual shapes or offset entrances setbacks will be determined by the Director but shall not be less than the minimum required in this Code.

- vii. Minimum setbacks for accessory structures: Three feet from any abutting property line.
- viii. Parking: Two spaces per dwelling unit.
- ix. Landscaping: All yards must be grassed or vegetated, or otherwise covered with pervious material so as to prevent stormwater runoff and soil erosion.
- x. Buffers: None required.

2. R-2, one-and two-family residential district.

- a. Purpose. The purpose of this district is to provide areas for a mix of one-and two-family dwellings.
- b. Allowable uses. The following uses are allowed as of right in the R-2 district; all other uses are conditional uses as specified in paragraph c, or prohibited.
 - i. All uses allowed as of right in the R-1 district.
 - ii. Duplex residential dwelling units.
 - iii. Home office of convenience as specified in section 4-2.
- c. Conditional uses. The following uses may be allowed in the R-2 district upon approval by the Planning and Zoning Board and the City Commission subject to the following conditions or any other conditions considered necessary to maintain the integrity of the R-2 district.

-
- i. All conditional uses which may be allowed in the R-1 district.
 - ii. Residential design manufactured homes.
 - iii. Home occupations as specified in section 4-2.
- d. Development standards.
- i. Minimum lot area(s):
 - With City water and sewer:
 - Single-family: 7,500 square feet.
 - Duplex: 8,000 square feet.
 - With City water only: 10,000 square feet.
 - With no City water or sewer: 21,780 square feet.
 - ii. Minimum lot width(s):
 - Square or rectangular: 65 feet.
 - Corner: 75 feet.
 - Curve or cul-de-sac: 20 feet.
 - iii. Maximum building height: 35 feet unless within the Downtown Improvement Special Treatment District which has a height limitation of 70 feet.
 - iv. Density: No more than 5.5 dwelling units per acre.
 - v. Intensity: No more than 50 percent lot coverage, 50 percent required open space.
 - vi. Minimum building setbacks for principal structures:
 - Front: 20 feet from lot line.
 - Side(s): Ten feet between structures.
 - Rear: Ten feet from rear property line.

Setbacks for corner lots shall be calculated as set forth for the R-1 district.

- vii. Minimum setbacks for accessory structures: Three feet from any abutting property line.
- viii. Dwellings with zero lot lines and other complexes with courtyard or common parking areas shall be subject to approval by the Director; unattached zero lot line subdivision dwellings shall be subject to approval by the Planning and Zoning Board and the City Commission.
- ix. Parking: Two spaces per dwelling unit.
- x. Landscaping: All yards must be grassed or vegetated, or otherwise covered with pervious material so as to prevent stormwater runoff and soil erosion.
- xi. Buffers: None required.

3. R-3, multiple-family residential district.

- a. Purpose. The purpose of this district is to provide areas for a mix of residential uses from single-family dwellings to multifamily dwellings (apartments, townhouses, etc.).
- b. Allowable uses. The following uses are allowed as of right in the R-3 district; all other uses are conditional uses as specified in paragraph c, or prohibited.
 - i. All uses allowed as of right in the R-1 and R-2 districts.
 - ii. Multiple-family residential buildings.
 - iii. Home office of convenience as specified in section 4-2.
 - iv. Home occupation as specified in section 4-2.
 - v. Accessory structures as specified in section 4-2.
 - vi. Boardinghouse, roominghouse or guesthouse.
 - vii. Residential design manufactured homes.

-
- c. Conditional uses. The following uses may be allowed in the R-3 district upon approval of the Planning and Zoning Board and the City Commission subject to the following conditions or any other conditions considered necessary to maintain the integrity of the R-3 district.
- i. All conditional uses which may be allowed in R-1 and R-2 districts.
 - ii. Manufactured home parks or subdivisions subject to the requirements of section 4-8.
 - iii. Child care facility or family day care home provided a written, notarized statement of no objection is obtained from all adjacent property owners and buffers are provided as specified in section 4-3.
- d. Development standards.
- i. Minimum lot area(s):

Single-family: 7,500 square feet.

Other multifamily: 8,000 square feet for the first two dwelling units plus 2,500 square feet of lot area for each additional dwelling unit thereafter.
 - ii. Minimum lot width(s):

Square or rectangular: 75 feet.

Corner: 75 feet.

Cul-de-sac or curve: 20 feet.

All other multifamily buildings: 100 feet.
 - iii. Maximum building height: 35 feet unless within the Downtown Improvement Special Treatment District which has a height limitation of 70 feet.
 - iv. Density: No more than 16 dwelling units per acre.
 - v. Intensity: No more than 75 percent lot coverage, 25 percent required open space.

-
- vi. Minimum building setbacks for principal structures:
 - Front: 20 feet from front lot line.
 - Side(s): Ten feet between structures.
 - Rear: Ten feet from rear lot line.
 - vii. Minimum setbacks for accessory structures: Three feet from any abutting property line. Setbacks for corner lots shall be calculated as set forth for the R-1 district.
 - viii. Dwellings with zero lot lines and other complexes with courtyard or common parking areas shall be subject to approval by the Planning and Zoning Board and the City Commission; unattached zero lot line subdivisions shall be subject to approval by the Planning and Zoning Board and the City Commission.
 - ix. Parking: Two spaces per dwelling unit for the first 30 units plus 1 ½ spaces for each dwelling unit exceeding 30 units.
 - x. Landscaping: All yards must be grassed or vegetated, or otherwise covered with impervious material so as to prevent stormwater runoff and soil erosion.
 - xi. Buffers: Landscaped buffers as specified in section 4-3 are required between any R-3 use and any R-1 or R-2 use.

4. Mixed use district (MU).

- a. Purpose. The purpose of the mixed use category is to provide areas for an attractive and functional mix of residential, professional office, neighborhood commercial, and other similar low intensity uses. This category is further intended to provide for a range of uses for the purpose of stimulating the redevelopment or revitalization of underutilized or blighted areas.
- b. Allowable uses. The following uses are allowed as of right in the mixed use district; all other uses are conditional uses as specified in paragraph c, or prohibited.
 - i. All residential uses and conditional uses allowed in R-1, R-2, and R-3 districts.

-
- ii. Neighborhood and community parks.
 - iii. Public/institutional uses.
 - iv. Public and private recreation uses.
 - v. Accessory uses and structures as specified in section 4-2, including accessory dwelling units and home occupations.
 - vi. Signs as provided for in Article 5.
 - vii. Public utilities.
- c. Conditional uses. The following uses may be allowed in the mixed use district subject to the conditions set forth herein provided that no more than 25 percent of the area may be used for retail commercial or 50 percent of the area may be used for office/service related uses within any MU district. Or, the following uses may be permitted as allowable uses if submitted as part of a PUD.

Neighborhood commercial uses:

- Athletic or health clubs.
- Antique dealers.
- Bakery.
- Bookstore or newsstand.
- Card or gift shop.
- Convenience store.
- Dance or music studio.
- Child care centers.
- Delicatessen or carryout.
- Drugstore.
- Dry cleaner.
- Fast food restaurant.
- Florist shop.
- Garden supplies.
- Health products.
- Jewelers.
- Laundromat, washateria.
- Locksmith.
- Printing or copying shop.
- Repair shop, electronics.
- Restaurant.
- Shoe repair.
- Food or supermarket.

Service or filling station.
Other similar low intensity uses as determined by the
Planning and Zoning Board.

Office, medical, and related uses:

Abstract or title companies.
Advertising agencies.
Agents.
Architects, engineers, surveyors.
Auditors, accountants.
Bonding companies.
Book agents.
Business college.
Employment agency.
Film, photography, or art studio.
Finance companies.
Law offices.
Medical offices or clinics.
Professional office building.
Real estate office.
Tailor or seamstress shop.
Travel agency.
Other related uses as determined by the Planning and
Zoning Board.

Concealed telecommunication facilities

The following conditions shall apply to neighborhood commercial and office, medical and related uses in the mixed use district.

- i. Gross floor area, either singularly or as a complex, shall not exceed 10,000 square feet with a maximum of 35 parking spaces.
- ii. Hours of operation or opening shall be no more than 5:00 a.m. to 11:00 p.m. when serving the public except for the following approved uses with visual screens and buffers: automatic car wash, ATM, and bulk ice vending machines.
- iii. Landscaped buffers as specified in section 4-3 shall be installed between any R-1, R-2, or R-3 zoning district boundary.
- iv. All performance standards as specified in subsection 4-1.8 must be adhered to.

-
- d. Development standards.
- i. Minimum lot area: 6,500 square feet.
 - ii. Minimum lot widths:
 - Square or rectangular: 65 feet.
 - Corner: 75 feet.
 - Curve or cul-de-sac: 20 feet.
 - iii. Maximum building height: 50 feet unless within the Downtown Improvement Special treatment District which has a height limitation of 70 feet.
 - iv. Density: No more than 16 dwellings units per acre.
 - v. Intensity: No more than 75 percent lot coverage, 25 percent required open space.
 - vi. Minimum building setbacks for principal structures:
 - Front: 40 feet from lot line for properties fronting upon U.S. 90; 20 feet from lot line in other areas.
 - Side(s): Ten feet from side lot line.
 - Rear: Ten feet from rear property line.
 - vii. Minimum setbacks for accessory structures: Three feet from any abutting property line.
 - viii. Dwellings with zero lot lines and other complexes with courtyard or common parking areas shall be subject to approval by the Director; unattached zero lot line subdivisions shall be subject to approval by the Planning and Zoning Board and the City Commission.
 - ix. Parking: As specified in section 4-6
 - x. Landscaping: All yards must be grassed or vegetated, or otherwise covered with impervious material so as to prevent stormwater runoff and soil erosion. For multifamily or

nonresidential development parking areas shall be landscaped as specified in section 4-3

- xi. Buffers: Landscaped buffers as specified in section 4-3 shall be required between the following:

Any single-family dwelling or R-1 use and any multifamily structure or R-3 use (buffers are not required between R-1 and R-2 uses);

Any residential use and any nonresidential use

5. COM, Commercial district.

- a. Purpose. The purpose of the commercial district is to provide areas for general commercial development including retail sales and services, wholesale sales, shopping centers, office complexes and other compatible commercial uses.
- b. Allowable uses. The following uses are allowed as of right in the commercial district; all other uses are conditional uses as specified in paragraph d, or prohibited.
 - i. Any commercial, retail, wholesale, trade, service, profession, business or occupation required to obtain an occupational license pursuant to Chapter 62 - Taxation, City Code of Ordinances, except for manufacturing, industrial, salvage yards, auto wrecking yards, fuel storage and similar uses.
 - ii. Public/institutional uses.
 - iii. Public utilities.
 - iv. Public and private recreation sites and facilities.
 - v. Signs as specified in Article 5.
- c. Conditional uses. The following uses may be allowed in the commercial district upon approval by the Planning and Zoning Board and the City Commission, subject to the following conditions or any other conditions considered necessary to maintain the integrity of the commercial district.
 - i. Residences, dwellings or apartments within the DISTA only, when located within or above commercial activities provided all residential and commercial Building Code standards are met.

-
- ii. Uses which sell, serve or allow consumption of alcoholic beverages shall be subject to the provisions of Chapter 6 – Alcoholic Beverages, City Code of Ordinances.
 - iii. Sexually oriented and body altering businesses.
 - iv. Concealed telecommunication facilities.
- d. Development standards.
- i. Minimum lot requirements:
 - Area: 5,000 square feet.
 - Width: 50 feet at the front lot line.
 - Depth: 100 feet along the side lot line.
 - ii. Minimum lot widths:
 - Square / rectangular: 65 feet.
 - Corner: 75 feet.
 - Cul-de-sac or curve: 20 feet.
 - ii. Maximum building height: 70 feet.
 - iii. Density: No more than 16 dwelling units per acre within the DISTA.
 - iv. Intensity: No more than 90 percent lot coverage, ten percent required open space.
 - v. Minimum building setbacks:
 - Front: 40 feet from road right-of-way.
 - Side(s): No less than 20 feet from the property line when the side lot abuts a residential district, or ten feet when abutting another commercial use or district.

Rear: Each lot shall have a rear setback of not less than ten feet from the rear property line, except where the building is serviced from the rear or abuts a residential district, in which case the setback shall be 30 feet from the rear property line.

- vi. Parking: As specified in section 4-6
 - vii. Landscaping: Parking areas shall be subject to the requirements of subsection 4-3.4.
 - viii. Buffers: Buffers shall be required between any commercial use and any residential uses or rural transition use as specified in section 4-3
- e. Limitations. The requirements of the Commercial Development Standards shall not apply within the DISTA area as described in subsection 4-1.3.9.

6. IND, Industrial districts.

- a. Purpose. The purpose of the industrial district is to provide areas for distribution, warehousing, manufacturing, fuel storage, or limited sales activities which, by nature of their normal operations, have the potential to create excessive noise, smoke, emissions, traffic or other characteristics which have the potential to cause nuisances or hazards.
- b. Allowable Uses. The following uses are allowed as of right in the IND district; all other uses are conditional uses as specified in paragraph c or prohibited:
 - i. distribution;
 - ii. warehousing;
 - iii. manufacturing;
 - iv. fuel storage;
 - v. associated sales activities, and
 - vi. other similar uses.
- c. Conditional Uses. The following uses may be allowed in the IND district upon approval by the Planning and Zoning Board and the City Commission, subject to the following conditions or any other conditions

considered necessary to maintain the integrity of the district.

i. Telecommunication facilities.

d. Development Standards.

i. Maximum building height: 70 feet

ii. Intensity: No more than 90 percent lot coverage, ten percent required open space.

iii. Minimum building setbacks:

Front: 20 feet.

Side(s): 20 feet or 40 feet when abutting Residential or Mixed Use districts.

Rear: 20 feet or 40 feet when abutting Residential or Mixed Use districts.

v. Parking: As specified in section 4-6.

vi. Landscaping: Parking areas shall be subject to the requirements of subsection 4-3.4.

vii. Buffers: Buffers shall be required between all other uses except industrial as specified in section 4-3.

e. Limitations. Industrial uses shall be strictly limited to those existing as shown on the zoning map. Any additional industrial areas or expansion of existing industrial areas must be approved by the City Commission on a case-by-case basis.

7. REC, Recreation district.

a. Purpose. The purpose of this district is to provide areas for public recreation, and private recreation open to the public.

b. Allowable uses. The following uses are allowed as of right in the REC district; all other uses are conditional uses as specified in paragraph C or are prohibited:

-
- i. Public parks, open space, refuges, ballfields, public ways, golf courses and other such activities intended for public recreation;
 - ii. Public buildings and grounds;
 - iii. Public services and utilities;
 - iv. Private outdoor recreation activities.
- c. Conditional Uses. The following uses may be allowed in the REC district upon approval by the Planning and Zoning Board and the City Commission, subject to the following conditions or any other conditions necessary to maintain the integrity of the district.
- i. Telecommunication facilities.
- d. Development standards.
- i. Maximum Building Height: 35 feet
 - ii. Intensity: No more than 90 percent lot coverage.
 - iii. Minimum building setbacks:
 - Front: 20 feet from property line.
 - Rear: Ten feet from property line abutting any commercial or public/institutional zoning districts; 20 feet from property line abutting residential or mixed use zoning districts.
 - Side(s): Ten feet from property line abutting residential or mixed use districts.
 - iv. Minimum open space: Ten percent of lot or parcel.
 - v. Parking: As specified in section 4-6
 - vi. Landscaping: Ten percent of the area to be used for off-street parking as specified in subsection 4-3.4.
 - vii. Buffers:
 - Buffers shall be required between abutting residential or mixed use land uses.

Buffers shall not be required between abutting commercial or public/institutional uses.

Requirements for buffers shall be as specified in section 4-3.

8. PI, Public/Institutional district.

- a. Purpose. The purpose of this district is to provide areas for public/institutional uses such as education facilities, public buildings and grounds, churches, institutions, cemeteries, and other similar uses.
- b. Allowable uses. The following uses are allowed as of right in the public/institutional district; all other uses are prohibited.
 - i. Churches, tabernacles, synagogues, or other similar houses of worship.
 - ii. Public schools, private schools, colleges, universities.
 - iii. Cemeteries.
 - iv. Government buildings and grounds.
 - v. Hospitals, institutions.
 - vi. Public housing.
 - vii. Nonprofit clubs or organizations.
 - viii. Other similar land-uses.
- c. Conditional uses. The following uses may be allowed in the PI district upon approval by the Planning and Zoning Board and the City Commission, subject to the following conditions or any other conditions considered necessary to maintain the integrity of the district.
 - i. Telecommunication facilities (concealed, if deemed appropriate by the director).
- d. Development standards.
 - i. Minimum Lot Area: 4,000 sq. ft.

-
- ii. Maximum Building Height: 70 feet.
 - iii. Intensity: No more than 90 percent lot coverage.
 - iv. Minimum building setbacks:
 - Front: 20 feet from property line or consistent with existing setbacks.
 - Rear: Ten feet from property line abutting any commercial or public/institutional zoning districts; 20 feet from property line abutting residential or mixed use zoning districts.
 - Side(s): Ten feet from property line abutting residential or mixed use districts.
 - v. Minimum open space: Ten percent of lot or parcel.
 - vi. Parking: As specified in section 4-6
 - vii. Landscaping: Ten percent of the area to be used for off-street parking as specified in subsection 4-3.4.
 - viii. Buffers:
 - Buffers shall be required between abutting residential or mixed use uses.
 - Buffers shall not be required between abutting commercial or public/institutional uses or zoning districts.
 - Requirements for buffers shall be as specified in section 4-3.

9. CON, Conservation District

- a. Purpose. The purpose of this district is to provide reasonable levels of protection for locally designated environmentally sensitive resources. Designation of areas within this district is not intended to preclude or prohibit development but rather to provide an indicator that physical or environmental features may exist which will require limitations on development, special permit requirements, or special construction.
- b. Allowable uses. The following uses are allowed as of right in the CON district; all other uses are prohibited:

-
- i. conservation
 - ii. recreation
 - iii. residential
 - iv. public uses that support and further flood control, groundwater and surface water protection, floodplain management, and protection of wildlife habitat
- c. Limitations.
- i. All development undertaken within the conservation areas shall be in conformance with the environmental protection standards specified in section 4-4 of this Code.
- d. Development Standards.
- i. Maximum Building Height: 35 feet.
 - ii. Density: 1 du/ac unless otherwise stated in the Comprehensive Plan
 - iii. Minimum building setbacks:
 - Front: 20 feet.
 - Rear: 10 feet.
 - Side(s): 20 feet.
 - v. Buffers:

Buffers shall be required between all abutting uses except Conservation.

Requirements for buffers shall be as specified in section 4-3.

10. RT, Rural Transition

- a. Purpose. The purpose of this district is to allow for general agricultural activity, rural and / or existing residential uses, the co-existence of other uses generally consistent with agricultural activities, and provide a

transitional area from rural to suburban. This district is intended to meet specific needs where there is the meeting of rural and suburban areas.

- b. Applicability. The Rural Transition District shall only be designated by the City as a transitional district when unincorporated lands are annexed.
- c. Allowable uses. The following uses are allowed as of right in the RT district; all other uses are prohibited:
 - i. Agriculture.
 - ii. Silviculture.
 - iii. Residential.
 - iv. Neighborhood and community parks.
 - v. Public/institutional uses.
 - vi. Public and private recreation uses.
 - vii. Accessory Dwelling Units per Section 4-2.1.2.
- d. Development Standards.
 - i. Minimum Lot Area: 43,560 square feet.
 - ii. Maximum Building Height: 35 feet for residential uses and unlimited for agriculture related uses.
 - iii. Density: 1 du/ac unless otherwise stated in the Comprehensive Plan
 - iv. Minimum building setbacks:
 - Front: 20 feet
 - Side(s): 20 feet
 - Rear: 20 feet
 - v. Buffers:

Buffers shall be required between all abutting uses except industrial, conservation, and recreation. If the same uses are adjacent to one another, such as residential adjacent to residential, buffering is not required.

Requirements for buffers shall be as specified in section 4-3.

11. DISTA, Downtown Improvement Special Treatment Area.
 - a. Purpose. The purpose of the downtown improvement special treatment area is to promote the redevelopment and revitalization of the downtown central business district by providing opportunities for a broad range of commercial, government, professional, entertainment, and residential uses. This area is further intended to be the focus of special incentives for development or redevelopment efforts.
 - b. Applicability. The Downtown Improvement Special Treatment Area shall be considered an overlay district on the designated zoning district upon which it is superimposed. Unless otherwise specified, the underlying district requirements, including allowable uses, densities, intensities, etc., shall also be applicable within the Downtown Improvement Special Treatment Area.
 - c. Allowable uses. The following uses are allowed as of right in the DISTA; all other uses are conditional uses as specified in paragraph c or prohibited:
 - i. Professional offices.
 - ii. Hotels and motels.
 - iii. Financial institutions.
 - iv. Eating and drinking establishments, but not drive-in restaurants.
 - v. Business service establishments.
 - vi. Commercial and job printing.
 - vii. Establishments offering repair services on items brought in by customers.
 - viii. Bakery, where products made on the premises only are sold at retail.

-
- ix. Personal service establishments.
 - x. Parking lots or parking garages.
 - xi. Public/institutional uses.
 - xii. Public utilities.
 - xiii. Other retail sales, personal or professional services, or establishment which promotes the redevelopment / revitalization objective of the district.
 - xiv. Residences, dwellings or apartments located within or above commercial activities provided all residential and commercial building Code standards are met.
- d. Conditional uses. The following uses may be allowed in the DISTA upon approval by the Planning and Zoning Board and the City Commission, subject to the following conditions, or any other conditions considered necessary to maintain the integrity of the district.
- i. R-3 residential areas, provided that adjacent commercial or nonresidential uses which abut the residential use shall not be subject to the buffer requirements of section 4-3.
 - ii. Other conditional uses which promote the redevelopment / revitalization objective of the district.
 - iii. Concealed telecommunication facilities.
- e. Limitations.
- i. All business activity shall be conducted wholly within a completely enclosed building except for parking and loading.
 - ii. Any building uses for any of the allowed and conditional uses shall have no more than 25 percent of the floor area devoted to storage purposes incidental to the principal use.
- f. Development standards.
- i. Minimum lot requirements: None.

-
- ii. Intensity: No more than 95 percent lot coverage.
 - iii. Maximum building height: 70 feet.
 - iv. Minimum building setbacks:
 - Front: Five feet from front lot line.
 - Side(s): Ten feet between unattached buildings.
 - Rear: As needed for loading or deliveries.
 - v. Parking: None required except for hotels and motels as specified in section 4-6, and for any residential uses one space per dwelling unit.
 - vi. Landscaping: None required.
 - vii. Buffers: None required.
 - viii. Awnings: Awnings shall be allowed 8 feet above the ground surface made of canvas or suitable material supported by metal frames or brackets securely fastened to the building without posts or other devices that will obstruct the sidewalk or hinder or interfere with the full passage of pedestrians.
 - ix. Balconies / Porches: The bottom floor of the Balcony / Porch shall be 8 feet above the ground surface. The balcony / porch may project outward one inch for every inch of additional height for a maximum of 4 feet. Balconies / Porches shall be made of painted material matching the abutting wall or otherwise suitable material.
- g. Special Provisions
- i. Development within the DISTA shall be exempt from transportation concurrency as described in Subsection 3-6.6(B).
 - ii. When providing residential above retail space, residential parking requirements are waived within the DISTA.
 - iii. When providing residential above retail space, development review fees (not including advertisement fees and engineering fees) will be reduced by 60%.

-
- iv. Development within the DISTA is eligible to utilize the fast track approval process identified in subsection 2-4.3.
 - v. Development within the DISTA shall be exempt from the open space requirement as identified in the applicable zoning category.
 - vi. Signage. The following regulations shall apply to all sandwich board and under-canopy signs which are permitted in existing and future DISTA areas. All others sandwich board and under-canopy signs shall be prohibited. Any unlawful signage within the DISTA shall be brought into compliance by December 1, 2018.
 - (1) Standardized sandwich board signs shall be provided by the City of Marianna when new businesses open within the limits of the DISTA for temporary display in the front of the business.
 - (2) One under-canopy sign per occupancy, not to exceed eight square feet in sign area.
 - (3) Window signs may not obscure the display area. Not more than 30 percent of the total window space per frontage can be used for signage.

12. Wellhead Protection Special Treatment Area.

- a. Purpose. The purpose of the Wellhead Protection Special Treatment Area is to protect water wells and cones of influence within the City.
- b. Applicability. The Wellhead Protection Special Treatment Area shall be considered an overlay district on the designated zoning district upon which it is superimposed. Unless otherwise specified, the underlying district requirements, including allowable uses, densities, intensities, etc., shall also be applicable within the Wellhead Protection Special Treatment Area.

-
- c. Development standards.
 - i. The City shall prohibit installation of septic tanks within two-hundred feet of municipal potable water wells.
 - ii. Uses which store, transfer, or use hazardous materials shall not be permitted within two-hundred feet of municipal potable water wells.
 - iii. Underground storage tanks containing gasoline, diesel fuel, or other hazardous substances shall not be permitted within three-hundred feet of municipal potable water wells.

13. HISTA, Historic Special Treatment Areas.

- a. Purpose. The purpose of the historic special treatment area is to provide for the protection, preservation, or reuse of identified historic sites.
- b. Applicability. The Historic Special Treatment Area shall be considered an overlay district on the designated zoning district upon which it is superimposed. Unless otherwise specified, the underlying district requirements, including allowable uses, densities, intensities, etc., shall also be applicable within the Historic Special Treatment Area.
- c. Development standards.
 - i. Development and/or redevelopment in the Historic Special Treatment Area shall be evaluated as to potential impacts on historic resources. Structures identified as being of historic significance will be subject to review by the Planning and Zoning Board and conditional development requirements prior to permits being issued for demolition or substantial alteration. The Jackson County survey of historically significant sites shall be used to identify properties to which historic preservation requirements of this subsection shall apply.
 - ii. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, codified in 36 CFR 67, shall be used as a basis` to determine the need for historic preservation and for providing guidelines for rehabilitation of historic structures.

-
- iii. Incentives may be made available to developers for restoration or rehabilitation of historic properties subject to approval by the Planning and Zoning Board and City Commission.
 - iv. Telecommunication facilities shall be permitted as a conditional use within the HISTA.

14. ISTA, Industrial Special Treatment Area

- a. Purpose. The purpose of the Industrial Special Treatment Area is to encourage economic development by promoting a range of uses including industrial, warehousing, manufacturing and assembly, and other employment-oriented uses.
- b. Applicability. The Industrial Special Treatment Area shall be considered an overlay district on the designated zoning district upon which it is superimposed. Unless otherwise specified, the underlying district requirements, including allowable uses, densities, intensities, etc., shall also be applicable within the Industrial Special Treatment Area.
- c. Special Provisions
 - i. When shared parking is utilized between businesses, the total number of required spaces shall be reduced by 10%.
 - ii. Stormwater facilities shall be counted toward the minimum open space requirement when a landscape plan illustrating the type and location of proposed plantings is submitted and approved.
 - iii. When a landscape plan illustrating the type and location of proposed plantings is submitted and approved, the City will provide and install a landscape meter.
 - iv. Development within the ISTA is eligible to utilize the fast track approval process identified in subsection 2-4.3.
 - v. Temporary banners for announcements that are of general public good (excluding sales events, grand openings, closings and similar events) are allowed with the posting time to be determined by the Director or City Manager.

15. DPSTA, Distribution Park Special Treatment Area

- a. Purpose. The purpose of the Distribution Park Special Treatment Area is to encourage economic development by promoting a range of uses including warehouse/distribution uses, mixed use, and other employment-oriented uses that benefit from direct access to Interstate-10.
- b. Applicability. The Distribution Park Special Treatment Area shall be considered an overlay district on the designated zoning district upon which it is superimposed. Unless otherwise specified, the underlying district requirements, including allowable uses, densities, intensities, etc., shall also be applicable within the Distribution Park Special Treatment Area.
- c. Special Provisions.
 - i. When shared parking is utilized between businesses, the total number of required spaces shall be reduced by 10%.
 - ii. Stormwater facilities shall be counted toward the minimum open space requirement when a landscape plan illustrating the type and location of proposed plantings is submitted and approved.
 - iii. When a landscape plan illustrating the type and location of proposed plantings is submitted and approved, the City will provide and install a landscape meter.
 - iv. Development within the DPSTA is eligible to utilize the fast track approval process identified in subsection 2-4.3.
 - v. Temporary banners for announcements that are of general public good (excluding sales events, grand openings, closings and similar events) are allowed with the posting time to be determined by the Director or City Manager.

16. MUSTA, Mixed Use Special Treatment Area

- a. Purpose. The purpose of the Mixed Use Special Treatment Area is to encourage economic development by promoting a mix of uses including residential, professional office, neighborhood commercial, and other similar low intensity uses.
- b. Applicability. The Mixed Use Special Treatment Area shall be considered an overlay district on the designated zoning district upon which it is

superimposed. Unless otherwise specified, the underlying district requirements, including allowable uses, densities, intensities, etc., shall also be applicable within the Mixed Use Special Treatment Area.

c. Allowable Uses. In addition to the uses identified above in 4.b. Mixed Use District, the following uses are allowed as of right in the MUSTA; all other uses are conditional uses as specified in paragraph d, or prohibited.

- i. advertising agencies;
- ii. antique dealers;
- iii. architects / engineers / surveyors;
- iv. auditors / accountants;
- v. bakeries;
- vi. bonding companies;
- vii. book agents;
- viii. book stores;
- ix. card / gift shops;
- x. child care facilities;
- xi. drugstores;
- xii. dry cleaners;
- xiii. film / photo / art studio;
- xiv. finance companies;
- xv. florists;
- xvi. garden supplies;
- xvii. jewelry stores;
- xviii. law offices;

-
- xix. locksmiths;
 - xx. medical offices / clinics;
 - xxi. print shops;
 - xxii. professional office buildings smaller than 3,000 sq. ft.;
 - xxiii. real estate offices;
 - xxiv. repair shops;
 - xxv. tailors / seamstress shops;
 - xxvi. title companies; and
 - xxvii. travel agencies.

d. Conditional Uses. The following uses may be allowed in the MUSTA upon approval by the Planning and Zoning Board and the City Commission, subject to the following conditions or any other conditions considered necessary to maintain the integrity of the Special Treatment Area.

- i. athletic / health clubs;
- ii. bail bonds companies;
- iii. body altering businesses;
- iv. business colleges;
- v. concealed telecommunication facilities;
- vi. convenience stores;
- vii. electronic stores;
- viii. fast food restaurants / carryout;
- ix. filling / service stations;
- x. massage businesses;
- xi. music / dance studios;

-
- xiii. supermarkets; and
 - xiv. other low intensity uses.

e. Special Provisions.

- i. When shared parking is utilized between businesses, the total number of required spaces shall be reduced by 10%.
- ii. Stormwater facilities shall be counted toward the minimum open space requirement when a landscape plan illustrating the type and location of proposed plantings is submitted and approved.
- iii. All development order review fees shall be reduced by 15% (not to include advertisement fees and engineering fees) when applying within the MUSTA.
- iv. Development within the MUSTA is eligible to utilize the fast track approval process identified in subsection 2-4.3.

17. PUD, Planned Unit Development

- a. Purpose. The purpose of the planned unit development zoning district is to promote innovative and sustainable development. Each PUD should achieve the following objectives when possible:
 - i. promote sustainable development that utilizes innovative design features;
 - ii. preserve and incorporate natural environments into the design of development;
 - iii. integrate different housing types that fulfill the housing needs of a diverse population of various income levels; and
 - iv. provide for a functionally integrated, mixed use community.
- b. Review Criteria.
 - i. Compliance with the City's Comprehensive Plan. Each PUD shall comply with all requirements of the future land use designation for the property proposed to be zoned PUD.

-
- ii. Specifications as set forth in these Land Development Regulations shall serve as the minimum standards. Innovative and creative alternative designs are encouraged.
 - iii. Permitted uses. A PUD must contain a minimum of two uses with one use being residential and the other being recreation and open space. It may include any use allowed in any zoning district provided such use is consistent with the future land use category for the property. PUDs shall not be permitted within the RT zoning category.
 - iv. Area. A PUD must be a minimum of 10 acres.
 - v. Density. The maximum density for residential uses is 16 dwelling units per acre.
 - vi. Intensity. The maximum intensity for nonresidential uses is 90% lot coverage.
 - vii. Maximum Building Height. The maximum building height within the PUD shall be 70 feet above base flood elevation.
 - viii. Compatibility. All development proposed within the PUD shall be compatible with surrounding existing uses.
 - ix. Natural features. All development proposed within the PUD shall minimize adverse impacts of development on the natural features and maximize the natural features as amenities for the development.
 - (1) When possible, trees with a diameter of 18" or larger at 54" above ground level shall be preserved.
 - (2) Care should be taken during construction to avoid killing roots of trees slated for preservation.
 - x. Transportation network. The transportation network for each PUD shall comply with the following requirements:
 - (1) Traffic network. The PUD shall provide for the continuation of all existing highway, arterial, and collector roadway traffic. The transportation system shall connect to existing adjacent streets, pedestrian ways, and bicycle paths.

-
- (2) Circulation. The transportation network within the PUD shall be designed to:
 - (a) Provide safe and efficient flow of traffic;
 - (b) Provide safe and effective access to land uses within the development and roadways adjacent to the development;
 - (c) Accommodate future traffic circulation at established level of service standards; and
 - (d) Achieve interconnectivity among land uses when possible.
 - (3) Access. Each unit or permitted use in the PUD shall have access to a public street directly or via an approved road, pedestrian way, court, or other area dedicated to public or private use, or a common element that guarantees such access.
 - (4) Parking, loading, and storage. Parking, loading, and storage within a PUD shall be designed to be functionally integrated into the development.
 - (5) Pedestrian/bicycle network. Each PUD should include a unified pedestrian and bicycle circulation system when possible.
 - (6) Street design. Specifications for street materials as set forth in the city ordinances shall serve as the minimum standards. Innovative and creative alternative designs for lane width, curbs, and drainage are encouraged in order to calm traffic, encourage non-vehicular transportation, and achieve design goals.
- xi. Open spaces and recreation areas. Each PUD shall include open spaces and recreation areas in order to provide appropriate recreational opportunities, protect sensitive natural areas, conserve areas of unique beauty or historical significance, provide structure to neighborhood design, and achieve compatibility with surrounding land uses.

-
- c. Procedure for PUD Zoning. Applications for PUD Zoning shall be submitted, processed and reviewed as for other amendments to the Zoning Map. Material submitted with the application, or on subsequent request by the Director, shall include the specific zoning district classification requested, the material required by Article 2 and other plans, maps, studies and reports, as required below, with sufficient copies for necessary referrals and records.
- i. Preapplication Conference. The applicant shall participate in at least one preapplication conference with the Municipal Development Department.
- ii. PUD Application. An application for a rezoning to the PUD zoning district shall include the following:
- (1) The name, addresses, and phone numbers of the owner, applicant, and representatives of the applicant.
 - (2) Legal description including total acreage.
 - (3) A document that demonstrates unified ownership or control of the property.
 - (4) A master site plan that contains the following:
 - (a) general types and locations of proposed development, lot sizes and setbacks, open space, conservation areas, transportation networks, and buffers;
 - (b) a general transportation circulation plan; and
 - (c) a description of uses including total number of dwelling units, total square footage of nonresidential uses, housing types, heights of buildings, and total amount of open space.
 - (5) A project narrative that demonstrates compliance with each of the standards set forth in 4-1.7.16.c.
 - (6) An analysis of the future land use categories and zoning districts for the properties surrounding the property proposed to be rezoned to PUD.

-
- (7) An analysis of each requested deviation from the requirements of the City's land development regulations. Such analysis shall include:
 - (a) a description of each requested deviation; and
 - (b) a comparison between the applicable requirement of the City's land development regulations and the requested deviation.
 - (8) A list of the public benefits proposed in the PUD and an analysis which demonstrates that such proposed public benefits are sufficient to justify the requested deviation(s) from the City's land development regulations.
 - (9) An environmental assessment report.
 - (10) A proposed development phasing schedule.
 - (11) An analysis of the anticipated impacts of the proposed development, including:
 - (a) potable water demand
 - (b) wastewater demand
 - (c) stormwater facilities
 - (d) transportation impacts
 - (e) park and open space
 - (f) solid waste demand
 - (g) school impacts

- iii. Expiration. The master site plan for the PUD shall expire two years from the date of approval by the City Commission unless the applicant obtains a development order from the City for a phase. Subsequent phases must receive a development order within two years upon completion of previous phase. If the master site plan expires, the applicant must reapply for a PUD zoning and conform to the current requirements of the City's Land Development Code.

-
- iv. Extension. An applicant may request a one-year extension of the expiration date, provided such request is filed with the City 45-days prior to the expiration date.
 - v. Modifications. All modifications to the PUD, including the master site plan, must be reviewed by the Planning and Zoning Board, and approved by the City Commission with the same process as required for the initial approval of the PUD rezoning.
 - vi. Issuance of development orders. City Commission approval of an application for a rezoning to the PUD zoning district shall be required prior to or concurrent with the granting of any development order for a PUD project.

Table 4.1: Summary Development Standards

Zoning Category		Min Lot Area	Min Lot Width	Max Bldg Height*	Density	Intensity		Bldg Setbacks		
						Lot Coverage	Open Space	Front	Side	Rear
R-1	Single Family Residential	10,000 sq. ft.**	Square / Rectangular 75 ft. Corner 90 ft. Cul-de-sac or Curve 20 ft.	35 ft.	4 du/ac	50%	50%	20 ft.	10 ft.	20 ft.
R-2	One- and two-family residential	SF: 7,500 sq. ft.*** Duplex: 8,000 sq. ft.	Square / Rectangular 65 ft. Corner 75 ft. Cul-de-sac or Curve 20 ft.	35 ft.	5.5 du/ac	50%	50%	20 ft.	10 ft.	10 ft.
R-3	Multi-Family Residential	SF: 7,500 sq. ft. MF: 8,000 sq. ft. for first 2 du + 2,500 sq. ft. for each additional du	Square / Rectangular 75 ft. Corner 75 ft. Cul-de-sac or Curve 20 ft.	35 ft.	16 du/ac	75%	25%	20 ft.	10 ft.	10 ft.
MU	Mixed Use	6,500 sq. ft.	Square / Rectangular 65 ft. Corner 75 ft. Cul-de-sac or Curve 20 ft.	50 ft.	16 du/ac	75%	25%	20 ft. 40 ft. from US 90	10 ft.	20 ft.
COM	Commercial	Area: 5,000 sq. ft. Width: 50 ft. Depth: 100 ft.	Square / Rectangular 65 ft. Corner 75 ft. Cul-de-sac or	70 ft.	16 du/ac****	90%	10%	40 ft.	20 ft. when abuts R 10 ft. when	10 ft. 30 ft. when abuts R

Zoning Category		Min Lot Area	Min Lot Width	Max Bldg Height*	Density	Intensity		Bldg Setbacks		
						Lot Coverage	Open Space	Front	Side	Rear
			Curve 20 ft.						abuts COM	
IND	Industrial	N/A	N/A	70 ft.	N/A	90%	10%	20 ft.	20 ft. 40 ft. when abuts R or MU	20 ft. 40 ft. when abuts R or MU
REC	Recreation	N/A	N/A	35 ft.	N/A	90%	N/A	20 ft.	10 ft. when abuts COM or PI 20 ft. when abuts R or MU	10 ft. when abutting R or MU
PI	Public/Institutional	4,000 sq. ft.	N/A	70 ft.	N/A	90%	N/A	20 ft.	10 ft. when abuts COM or PI 20 ft. when abuts R or MU	10 ft. when abutting R or MU
CON	Conservation	N/A	N/A	35 ft.	1 du/ac	N/A	N/A	20 ft.	10 ft.	20 ft.
RT	Rural Transition	43,560 sq. ft.	N/A	35 ft.	1 du/ac	N/A	N/A	20 ft.	20 ft.	20 ft.

Zoning Category		Min Lot Area	Min Lot Width	Max Bldg Height*	Density	Intensity		Bldg Setbacks		
						Lot Coverage	Open Space	Front	Side	Rear
PUD	Planned Unit Development	Per Site Plan	Per Site Plan	70 ft.	16 du/ac	90%	10%	Per Site Plan		

*Building Height may be extended up to 70 feet if within the DISTA

**21,780 sq. ft. with no city water/sewer

***10,000 sq. ft. with City water only and 21,780 sq. ft. with no city water/sewer

****Residential uses are only permitted within the DISTA

4-1.8. Supplemental performance standards.

1. Purpose. The performance standards set forth herein are intended to reduce the potential for nuisances between adjacent land uses and zoning districts.
2. Applicability. The following performance standards shall apply to all zoning districts within the City.
 - a. Noise. No development shall be allowed adjacent to residential properties which causes unreasonably loud and raucous sound levels on such residential properties.
 - i. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to the following:
 - (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
 - (2) The land use, zoning, and nature of the area from which the sound emanates and the area where it is received or perceived;
 - (3) The time of day or night the sound occurs;
 - (4) The duration of the sound; and
 - (5) Whether the sound is recurrent, intermittent, or constant.
 - b. Lighting and glare. No multifamily residential or nonresidential development shall be allowed adjacent to any low density residential properties which causes excessive illumination or glare upon such residential properties. All lighting or illumination proposed as part of any multifamily or nonresidential development shall be located and installed so that no direct or indirect light falls upon adjacent residential properties. All driveways, parking lots or other vehicular access associated with multifamily or nonresidential development shall be designed and constructed so that no direct light from vehicle headlights is shown upon or into any adjacent residential dwelling.

-
- c. Electromagnetic interference. In all zoning districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety or welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.
 - d. Toxic or noxious matter. The emission of toxic or noxious matter beyond any property line is prohibited.
 - e. Odor. No offensive odors shall be emitted which are detectable with or without instruments beyond any property line.
 - f. Smoke. No smoke shall be emitted from any property which violates state air quality standards.
 - g. Eyesores and junk. No equipment, material, vehicle or product shall be stored or kept in such a manner as to present an offensive or unsightly appearance when viewed from any adjacent property.

Sec. 4-2. Accessory land uses and structures.

4-2.1. Accessory land uses.

- 1. Purpose. This subsection is intended to regulate the type, location, configuration and conduct of accessory land uses in order to ensure that such accessory uses are not harmful either physically or aesthetically to residents of surrounding areas.
- 2. Accessory Dwelling Units.
 - a. Purpose. The purpose of this subsection is to provide for inexpensive housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes, and to provide living quarters for housekeeping or maintenance persons on-premises. This section is also intended to protect the property values and residential character of neighborhoods where accessory dwelling units are located.
 - b. Standards. An accessory dwelling unit may be allowed in conjunction with single-family homes but will count towards the maximum density requirement, provided that all of the following

requirements are met:

- i. No more than one accessory dwelling unit shall be permitted on any residential lot.
 - ii. Accessory dwelling units, in conjunction with single-family homes, may be incorporated within the principal structure, attached to the principal structure, or may be a freestanding or detached structure.
 - iii. An accessory dwelling unit shall not exceed 25 percent of the square footage of the principal structure on the residential lot.
 - iv. The accessory dwelling unit shall be located and designed not to interfere with the appearance of the principal structure as a single-family dwelling unit.
 - v. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory dwelling unit.
3. Home occupations. A home occupation shall be allowed in a bona fide dwelling unit within R-2, R-3, and mixed use districts, subject to the following requirements:
- a. No person other than members of the family residing on the premises shall be engaged in such occupation.
 - b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding four square feet in area, non-illuminated, mounted flat against the wall.
 - d. No home occupation shall occupy more than 25 percent of the first-floor area of the dwelling. No accessory building, freestanding or attached, shall be used for a home occupation.

-
- e. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street or right-of-way.
 - f. No equipment, tools, or process shall be used in a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - g. Fabrication of Articles commonly classified under the terms "arts and handicrafts" may be deemed a home occupation, providing no retail sales are made at the home.
 - h. Outdoor storage of materials shall not be permitted.
 - i. The following shall not be considered home occupations: beauty shops and barbershops (more than one chair), band instrument or dance instructors, swimming instructor, studio for group instruction, public dining facility or tearoom, antique or gift shops, photographic studio, fortunetelling or similar activity, outdoor repair, food processing, retail sales, nursery school, kindergarten, or child day care center.
 - j. The giving of individual instruction to one person at a time, such as an art or piano teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed in paragraph i above shall be prohibited.
 - k. A home occupation shall be subject to all applicable City occupation licensing requirements, fees and other business taxes.
4. Home office of convenience. A home office of convenience shall be allowed in a dwelling unit within R-2, R-3 and mixed use districts, subject to the following requirements:
- a. No person other than members of the family residing on the premises shall be engaged in the business activity.

-
- b. The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of business activity. Signs or any visible advertising is prohibited.
 - d. No home office shall occupy more than 25 percent of the first-floor area of the dwelling. No accessory building, freestanding or attached, shall be used for a home office.
 - e. No traffic shall be generated by such home office in greater volumes than would normally be expected in a residential neighborhood.
 - f. No equipment, tools, or process shall be used in a home office which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - g. Any business activity undertaken in a home office shall be limited to that which is conducted by phone or mail only.
 - h. Outdoor storage of materials is prohibited.
 - i. Reserved.
 - j. A home office of convenience shall be subject to all applicable City occupation licensing requirements, fees and other business taxes.
5. Dining rooms, recreation centers, and other amenities.
- a. Generally. Residential and nonresidential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided below.

-
- b. Dining rooms, cafeterias, snack shops, etc. A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:
 - i. The facility shall not be open to the general public.
 - ii. There shall be no off-site signs advertising the presence of the facility.

 - c. Community centers/recreation centers. Residential project may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:
 - i. Such facilities shall not include health clubs, gift shops, gyms and the like, offering services to the general public.
 - ii. Parking to serve the building shall be provided as required by this Code.
 - iii. There shall be no identification signs, other than directional signs.

 - d. Employee fitness centers. Nonresidential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:
 - i. Such facilities shall not be open to the general public.
 - ii. There shall be no signs other than directional or occupant signs, identifying the facility.

4-2.2. Accessory structures.

- 1. Purpose. It is the purpose of this section to regulate the type, installation, configuration, and use of accessory structures in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

- 2. General standards and requirements. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

-
- a. There shall be a permitted principal use on the parcel, located in full compliance with all standards and requirements of this Code.
 - b. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
 - c. Accessory structures shall not be located in required buffer or landscape areas.
 - d. Accessory structures shall be included in all calculations of impervious surface water and stormwater runoff.
 - e. Accessory structures shall be subject to development review and shall require a site development plan with full supporting documentation as required in Article 2 of this Code.
 - f. Accessory structures shall be allowed only in side or rear yards, unless otherwise specified herein.
3. Storage buildings and other structures used for storage, shops, utility buildings, greenhouses, garages, carports, and similar structures.
 - a. No accessory building shall be used for industrial storage of hazardous, incendiary, noxious, or pernicious materials.
 - b. Storage buildings, greenhouses, and the like shall not be located closer than three feet from any abutting interior property line or five feet from any alley right-of-way.
 - c. Storage and other buildings regulated by this subsection shall be permitted only in side and rear yards.
 - d. Storage and other buildings regulated by this subsection shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
 - e. Motor vehicles, mobile homes, trailers or recreational vehicles shall not be used as storage buildings, utility buildings, or other such uses within any residential district.

-
- f. A temporary permit may be issued by the Director for the placement of a temporary storage structure for longer than 14 calendar days in the Res-1, Res-2, Res-3, or MU districts.
 - i. A permit shall be temporary, not to exceed a period of three months.
 - ii. A permit shall be renewable for an additional, one time three month period for extenuating circumstances and shall be subject to revocation at any time that the City, in its discretion, determines that the conditions under which it was issued have materially changed or that revocation is required to protect the health, safety, or welfare of the citizens of the City.
4. Private swimming pools.
- a. This section does not apply to small, temporary pools without motors, which are commonly referred to or known as “kiddy pools” as identified in the Preston de Ibern / McKenzie Merriam Residential Swimming Pool Safety Act.
 - b. Swimming pools shall be permitted only in side and rear yards, and shall conform to accessory building setback requirements.
 - c. Enclosures for pools may be considered a part of the principal or accessory structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
 - d. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than four ~~six~~ feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors or gates.
 - e. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten feet horizontally or vertically from the pool's water edge.

5. Fences.

- a. Fences or hedges may be located in all front, side and rear yard setback areas. No fences or hedges shall exceed four feet in height when placed in the front yard. Each fence located in the side and rear yard setbacks shall not exceed eight feet in height, and for side yards shall not extend beyond the front of the principal structure.
- b. Fences shall be setback a minimum of three feet from the property line.
- c. In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no fence shall be located in the sight distance vision triangle.
- d. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- e. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Planning and Zoning Board upon receipt of satisfactory evidence of the need to exceed height standards.
- f. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site, unless such structure is intended for purposes of stormwater management. Gates or removable fences may be required to allow access to utility easements.
- g. No fence, wall or similar structure shall be located in or upon any body of water or submerged lands, or located in such a manner as to restrict public access to or along any riparian property line.
- h. Farms located within the Rural Transition zoning category shall be exempt for the requirements identified above.

6. Decks, patios.

- a. Decks or patios shall be located in side and rear yards only in residential districts, unless otherwise approved by the Director.

-
- b. Any enclosure of a deck or patio shall be subject to the development review and site plan requirements as specified in Article II of this Code.
 - c. Decks or patios shall not be located closer than three feet from any abutting property line or public right-of-way.
 - d. If the deck or patio is attached to the principal structure all setbacks for principal structures shall apply; if attached to an accessory building all setbacks for accessory buildings shall apply.

7. Telecommunication Facilities.

- a. The Federal Communications Act of 1934 as amended by Telecommunications Act of 1996 grants the Federal Communication Commission (FCC) exclusive jurisdiction over:
 - i. the regulation of the environmental effects of radio frequency emissions from communication towers and/or communication antenna facilities.
 - ii. The regulation of radio signal interference among users of the radio frequency spectrum.
- b. The City's regulation of communication towers and/or communication antennas cannot have the effect of prohibiting any person from providing wireless telecommunication services.
- c. This subsection shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- d. Towers and telecommunication facilities provided for public safety and emergency uses are exempt from the requirements of this subsection.
- e. Towers and telecommunication facilities are permitted as conditional uses within the Mixed Use (MU), Commercial (COM), Industrial (IND), Recreation (REC), Public/Institutional (PI), and Rural Transition (RT) districts. Towers and Telecommunication Facilities are prohibited from the Residential-1 (R-1), Residential-2 (R-2), Residential-3 (R-3), DISTA, and HISTA.

f. Standards.

- i. Single use communication towers shall not exceed one hundred eighty (180) feet in height as measured from grade.
- ii. Communication towers that have two (2) or more collocation abilities shall not exceed two hundred (200) feet in height as measured from grade.
- iii. Communication towers placed on top of a building, the tower plus the building height may not exceed the maximum tower height as defined within Section 4-2.2.7.
- iii. A communication tower shall be deemed to have collocation ability if its design is certified by the engineer as being appropriate for collocation and the applicant certifies that it is prepared to offer adequate space on the tower to others at commercially fair and reasonable terms.
- iv. All communication towers shall be separated from all residentially zoned lands by a minimum, of two hundred (200) feet. Tower separation distances for the purpose of compliance with this article shall be measured from the center of the base of the communication tower to the lot line.
- v. Communication antennas attached to communication towers are exempt from the setback standards of this Section and from setbacks for the zone in which they are located. However, such communication antennas shall not extend more than ten (10) feet horizontally beyond the center of the communication tower.
- vi. Towers shall be lighted as required by the Federal Aviation Administration (FAA). Further, unless prohibited by the FAA, communication towers for which illumination is not otherwise required by the FAA shall have a beacon light placed on top of the tower. To the extent allowed by the FAA, all lighting and beacons upon a tower which, at the time of commencement of construction, are located within a distance of three hundred (300) percent of the height of the tower from a residential use or residential zoning

district shall be erected with shields mounted underneath the lights or beacons in such a manner so as to obstruct the view of said lights or beacons from the ground for a distance from the communication tower of three hundred (300) percent of the height of the tower.

- vii. Communication towers not requiring FAA paintings / markings shall have either a galvanized finish or a painted non-contrasting blue, gray, or black finish as to minimize visual impact.
 - viii. Prior to the approval of a communication tower, the applicant shall provide evidence that the communication tower is in compliance with all FAA regulations. Where a communication tower will not exceed the highest point of an existing structure upon which it is to be mounted, such evidence is not required.
 - ix. The use of any portion of a communication tower and its accessory structures for signs or advertising purposes, including company name, shall be prohibited.
 - x. A minimum six (6) foot fence as measured from the finished grade shall be provided around each tower site. Access to the tower site shall be through a locked gate.
 - xi. The visual impact of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and secondary structures.
 - xii. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely within the parcel or property where the tower is located.
- g. Owners shall at all times employ ordinary and reasonable care and shall install, maintain and use nothing less than commonly accepted industry methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 - h. In the event the use of any communication tower and/or communication antenna has been discontinued for a period of one

hundred eighty (180) consecutive days, the tower and/or communication antenna shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Municipal Development Department, based upon documentation and/or affidavits from the communication tower and/or communication antenna owner/operator regarding the issue of tower usage. Upon such abandonment the owner/operator of the communication tower and/or communication antenna shall have an additional ninety (90) days within which to:

- i. Reactivate the use of the communication tower and/or communication antenna or transfer the tower to another owner/operator who makes actual use of the tower.
- ii. Dismantle and remove the tower.

If such tower or telecommunication facility is not removed within said ninety (90) days, the City may remove such tower or telecommunication facility at the owner's expense. If there are two (2) or more users of a single telecommunication facility, then this provision shall not become effective until all users cease using the tower or telecommunication facility.

Sec. 4-3. Buffer and landscaping standards.

4-3.1. Purpose.

The purpose of this section is to provide for aesthetic improvement during the process of development, mitigate loss of natural vegetation, assist in controlling vehicular and pedestrian traffic, provide standards for maintenance of required open space, and to provide buffers between adjacent zoning districts.

4-3.2. Applicability.

1. Required buffers. Landscaped buffers are required between as follows:
 - a. R-3 multifamily district. Between any multifamily use with more than four dwelling units and any R-1 or R-2 residential use.
 - b. Mixed use district.
 - i. Between any single-family dwelling or R-1 use and any multifamily structure or R-3 use (buffers are not required between R-1 and R-2 uses); and

-
- ii. Between any residential use and any nonresidential conditional use.
 - c. Commercial. Between any commercial use and any residential use or rural transition use.
 - d. Industrial. Between all other uses except industrial.
 - e. Recreation. Between abutting residential or commercial uses. Buffers shall be determined on a case by case basis between abutting commercial or public institutional uses at the Director's discretion.
 - f. Public/Institutional. Between abutting Residential or Mixed Use uses. Buffers are not required between abutting commercial or public institutional uses.
 - g. Conservation. Between all abutting uses except conservation.
 - h. Rural Transition. Between all abutting uses except rural transition, industrial, conservation, and recreation uses. If the same uses are adjacent to one another, such as residential adjacent to residential, buffering is not required.
 - i. All other uses. Between any residential use and any nonresidential use.
 - j. Exception. Buffers shall not be required for uses which are separated by a public roadway.
2. Natural drainageway buffers. A buffer of natural vegetation of at least ten feet in width shall be maintained from any natural drainageway.
 3. Waivers. Buffer requirements may be waived by the Director upon approval by the Planning and Zoning Board. Any such waiver shall only be approved upon delivery by the developer of written, notarized statements of no objection from all adjacent property owners.

4-3.3. Location, size and composition of landscaped buffers.

1. Location. All required buffers shall be located along the side(s) and rear property lines. Rear buffers shall run the entire length of the property line. Side buffers shall be located so as to screen lighting, sound, and view

from abutting side properties all parking areas and buildings, except in no case shall a buffer block sight distance of motor vehicle operators entering onto public roadways.

2. Size and composition.
 - a. Size. Required vegetated buffers shall be at least six feet wide and six feet in height and of sufficient density so as to block from view abutting land uses. If existing vegetation is sparse or not of sufficient density to block from view abutting land uses a visual screen or fence may be required in conjunction with the vegetated buffer. Required vegetated buffers may be reduced at the discretion of the Director based on land use and compatibility.
 - b. Composition.
 - i. Required buffers shall be comprised entirely of natural vegetation if such vegetation is of sufficient density and height as to block from view abutting land uses or zoning districts.
 - ii. Required buffers may also be comprised of landscaped trees, shrubs, vines or other vegetation, or a combination of vegetation, screens, berms, or fences, provided any such buffer is of sufficient density so as to block from view abutting land uses or zoning districts.
 - iii. Screens or fences may be constructed of wood, block, masonry or other common fencing material provided such buffer is 100 percent solid material.
 - iv. Water efficient irrigation and xeriscaping techniques shall be used.
3. Pedestrian access. Pedestrian access such as doors, gates, etc. may be installed, and are encouraged, to provide access between residential areas and adjacent nonresidential areas. Such accessways shall only be located so as to provide access to a public right-of-way, unless mutually agreed upon between property owners, and shall not be more than five feet in width.

4-3.4. Landscape requirements for off-street parking facilities and vehicular use areas.

Except for parking areas in the downtown improvement special treatment area, areas used for off-street parking or other vehicular storage must be landscaped for ten percent of the parking area developed, in addition to the following requirements:

1. Setback areas.
 - a. All parking areas must be set back ten feet from the property lines in front and four feet from the side and rear lot lines. The area between the parking areas and the property lines shall be landscaped and may be counted in computing the ten percent landscape requirements.
 - b. Natural vegetation may be used, if not cleared, to meet the ten percent requirement.
 - c. If natural vegetation is not used, a tree shall be planted for each 50 linear feet of lot frontage. Trees may be clustered rather than evenly spaced.
 - d. Acceptable landscape materials shall include: vines, lawn grass, ground cover, pebbles, brick pavers, and mulch with low growing plants, including the preservation of existing trees and shrubs.
 - e. Water efficient irrigation and xeriscaping techniques shall be used.
2. Visual screen for vehicular use areas. A visual screen or barrier must be used to block from visual view all parking area or vehicular use areas from adjacent public streets, or residential developments, if no buffer exists or is required. The visual screen must consist of 70 percent solid materials and have a minimum height of two feet at planting and 3 ½ feet within one year; low shrubs, hedges, berms, fences or a combination thereof are acceptable.
3. Motor vehicle overhang. Motor vehicles shall not overhang into any landscaped setback or planted area.
4. Interior landscape requirements for vehicular use areas. Vehicular use or parking areas which are 10,000 square feet or greater in size must also meet the following requirements:

-
- a. At least 25 percent of the general landscape requirement shall be devoted to separate interior planting areas of one per 10,000 square feet of vehicular use areas.
 - b. The interior planting areas shall be located in a manner that assists and helps to control the movement of vehicular and pedestrian traffic.
 - i. Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and shade trees.
 - ii. Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.
 - iii. Provide planting islands (a minimum of nine feet wide) between every ten to 15 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet.
 - c. Vehicles may not overhang into any interior planting area.
5. Plant material requirements. Any vegetative form used to fulfill any provision of the parking area landscaping requirements must meet the following basic standards:
- a. Trees. Trees must be at least six feet tall when planted and must reach a minimum of 15 feet at mature height and normal adult dripline of 15 feet.
 - b. Shrubs and hedges. Shrubs and/or hedges must be a minimum height of two feet when planted and 3 ½ feet within one year.
 - c. Ground covers. Ground covers should be planted with a spacing which will provide 75 percent coverage within one year.
 - d. Lawn grasses. Grasses should be planted to a density which will achieve permanent coverage within one year. Planting methods may be seeding, sprigging, plugging or sodding.

-
- e. Synthetic plants and planters. Artificial plant material may not be used for any landscaping requirement. Architectural planters may be substituted for landscape requirements when planted with live plants.
 - f. Natural vegetation. Use of natural vegetation will involve retention of all native or naturally occurring plants, shrubs or trees in required landscaping areas. Planters for shrubs are required to have a depth of 18 inches and ten square feet of area. Planters for trees must have a depth of 30 inches and 25 square feet of area.

4-3.5. Maintenance requirements for landscaping or buffers.

1. Responsibility for property maintenance of required landscaping or buffers shall be with the owner of the property or any consenting lessee.
2. Maintenance of landscaped areas or vegetated buffers shall consist of:

Mowing, pruning, removal of litter, replacement of dead plant material, and proper watering, fertilizing, etc.

A water supply for irrigation purposes shall be provided for each landscaped or buffered area. Such water supply shall be shown on a landscaping site plan or sketch.

3. Maintenance of visual barriers or fences shall include keeping such structures in good appearance and repair including replacement of damaged or deteriorated sections.

Sec. 4-4. Environmental protection standards.

4-4.1. Purpose.

The destruction or pollution of environmentally significant resources within the City constitutes a menace to the public health and welfare; creates public nuisances; is harmful to wildlife, fish and other aquatic life; and can be reasonably expected to decrease quality of life for residents of the City. It is hereby declared that the prevention, abatement and control of development activities which cause destruction or pollution of environmentally significant resources are affected with a public interest, and the provisions of this section are established for the purpose of protecting the health, safety, and general welfare of the public. The purpose of this section is to provide standards intended to prevent or restrict development activities which destroy or pollute environmentally significant resources, when such development activities are contrary to the public interest.

4-4.2. Applicability.

This section is intended to establish those resources or areas of a development site that must be protected from harmful effects of development. A developer should apply the provisions of this section to a proposed development site before any other development design work is done. Application of the provisions of this section will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed. No development order may be issued by the City until such time as the provisions of this section have been met.

4-4.3. Environmentally significant resources.

Environmentally significant resources are those identified in the Comprehensive Plan and as follows.

1. Soils;
2. Wetlands;
3. Flood zones;
4. Chipola River;
5. Aquifer recharge areas;
6. Wildlife habitat;
7. Water wells and cones of influence; and
8. Natural vegetation.

4-4.4. Protection standards.

1. Soils. All grading, filling, excavation, storage or disposal of soil and earth materials associated with development activities shall be undertaken so as to reduce the potential for soil erosion and sedimentation of water bodies or drainageways. Erosion control measures shall be required for all such activities. As part of the development review process required pursuant to Article 2 of this Code, a developer of developments classified as Major Developments shall include an "erosion and sediment control plan." Such plan shall contain:

-
- (a) Calculations of maximum runoff based on the 25-year, 24-hour storm event;
 - (b) A description of, and specifications for, sediment retention devices;
 - (c) A description of, and specifications for, surface runoff and erosion control devices;
 - (d) A description of vegetative measures;
 - (e) A map showing the location of all items listed in subsections (a) through (d) in this paragraph.

A developer may propose the use of any erosion and sediment control techniques provided such techniques represent best management practices, and are certified by a registered professional engineer.

Once development activity begins, the developer shall maintain in good order all erosion and sediment control measures specified in the erosion and sediment control plan regardless of whether the development project is completed or not.

2. Wetlands. Most wetlands constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be considered contrary to the public interest. As such, the following procedures and restrictions shall apply to development activities in wetlands identified by the City.

- (a) Identification. The City shall identify those areas which exhibit physical features indicative of wetlands and shall depict such areas on a map. Wetland areas shown on the map shall be subject to the restrictions set forth in paragraph (b) unless the developer(s) of such areas can satisfactorily demonstrate to the City that wetlands do not exist on the site.
- (b) Development restrictions. The following restrictions shall apply to development activities in wetlands identified pursuant to paragraph (a), and in wetland areas identified by jurisdictional interpretation through FDEP or the Corps of Engineers.
 - i. Use of fill, by dredging or any other means, is prohibited.
 - ii. Buildings or structures may be constructed on piles, posts or piers in wetlands provided:

There are no upland areas suitable for development after wetlands have been delineated;

The building or structure is constructed so as to allow for the continuation of natural functions such as drainage patterns, sedimentation patterns and natural flushing characteristics;

The elevation of the lowest habitable floor is at least one foot above the base flood elevation;

All development activity is confined to the land area upon which the building is located ("building footprint"); and

Development is undertaken in a manner so as to preserve wetlands on the building site.

- iii. All required permits must also be obtained from the FDEP or Corps of Engineers, as applicable.
 - iv. Residential density shall not exceed one dwelling unit per five acres.
 - v. Lot coverage shall be no greater than 30 percent of the wetland area.
 - vi. A buffer of natural vegetation at least ten feet in width shall be maintained between delineated wetlands and any upland development.
 - vii. Development shall be clustered on upland areas of the development site where possible.
 - viii. Structures used for public utilities or other public purpose may be located in wetland areas provided that disturbance of the wetland is limited to the immediate area necessary to locate such structure.
3. Flood zones. All development activity undertaken within designated A zones as shown on the official flood insurance rate map for Marianna, Florida, published by the Federal Emergency Management Agency shall be subject to the restrictions and standards of the City's flood damage prevention ordinance (part II, Chapter 30), as may be amended or superseded. Development in the floodplain shall be restricted to conservation, recreation, residential, or public

purposes only, except that commercial uses may be allowed adjacent to U.S. 90 provided that lot coverage is limited to no more than 50 percent of the total lot or parcel.

4. Chipola River.

- (a) As a designated "Outstanding Florida Water" the Chipola River shall be subject to the requirements of section 62-302.700, F.A.C.
- (b) For development adjacent to the riverine shoreline, all vegetation shall be preserved except for that which must be removed to provide access, and to provide a building site. Any vegetation removed shall be limited to the immediate area necessary to locate such buildings ("building footprint").
- (c) No development activity shall be permitted which can reasonably be expected to damage or destroy the natural functions and values of the riverine system.
- (d) All septic tanks shall be located no closer than 100 feet from the ordinary high-water line.
- (e) No hazardous material or waste shall be stored or located within 500 feet of the ordinary high-water line.

5. Aquifer recharge areas.

- (a) The City shall restrict lot coverage to 30 percent of the lot or parcel to be developed in identified aquifer recharge areas.
- (b) All stormwater detention or retention structures shall be constructed so as to comply with minimum groundwater criteria specified in Chapter 62-302.500, F.A.C.
- (c) A minimum ten-foot vegetated buffer shall be required between any structure, including parking areas, and identified aquifer recharge areas.
- (d) The development of public or private facilities which have the potential to discharge pollutants or otherwise contaminate the surface or deep aquifer shall be prohibited in identified aquifer recharge areas, unless the developer can provide assurances that reasonable measures will be undertaken to prevent aquifer contamination.
- (e) All groundwater shall at all places and at all times be free from domestic, industrial, agricultural, or other man-induced nonthermal components of

discharges in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or nonthermal):

- i. Are harmful to plants, animals or organisms that are native to the soil and responsible for treatment or stabilization of the discharge relied upon by DEP permits; or
 - ii. Are carcinogenic, mutagenic, teratogenic, or toxic to human beings, unless specific criteria are established for such components in Rule 62-302.500(2) or Rule 62-302.530, F.A.C; or
 - iii. Are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the groundwater at the point of contact with surface waters; or
 - iv. Pose a serious danger to the public health, safety, or welfare; or
 - v. Create or constitute a nuisance; or
 - vi. Impair the reasonable and beneficial use of adjacent waters.
6. Wildlife habitat. Development shall not be permitted which will significantly damage or destroy the habitat of species listed as endangered or threatened as specified in the "Official Lists of Endangered Fauna and Flora in Florida," published by the Florida game and fresh water fish commission.

The developer of any areas identified as containing wildlife habitat shall be responsible for the conduct of an analysis to determine the value and extent of such habitat. This habitat analysis shall form the basis of habitat conservation and preservation measures to be established either as a condition of development approval or in an enforceable development agreement pursuant to F.S. §§ 163.3220-163.3243.

7. Water wells and cones of influence.
- (a) The City shall prohibit installation of septic tanks within 200 feet of municipal potable water wells.
 - (b) Land uses which store, transfer or use hazardous materials shall not be permitted within 200 feet of municipal potable water wells.

-
- (c) Underground storage tanks containing gasoline, diesel fuel, or other hazardous substances shall not be permitted within 300 feet of municipal potable water wells.
 - (d) No new potable water well shall be located within 500 feet of any known source of groundwater contamination.
8. Natural vegetation. The City shall preserve natural vegetation as part of the required buffers specified in this subsection and in subsection 4-3. All developers are strongly encouraged to preserve as much natural vegetation as possible during design and construction of development projects.
- (a) When possible, trees with a diameter of 18” or larger at 54” above ground level shall be preserved.
 - (b) Care should be taken during construction to avoid killing roots of trees slated for preservation.

Sec. 4-5. Utilities.

This section is intended to provide basic standards for availability of utilities services as follows.

4-5.1. Applicability.

- 1. Electricity and telephone. All habitable developments shall have available a source of electricity and telephone adequate to accommodate the permitted development.
- 2. Water and sewer. All habitable development within the City shall be connected onto the City water and sewer system or, if City water and sewer service is not available, within six months of the availability of such service. All connections or extensions into either the water or sewer systems shall be as specified in the Florida Building Code.
- 3. Fire hydrants. The developers of any residential development shall provide a system of fire hydrants which meets or exceeds the standards set forth in the “Florida Fire Prevention Code.”
- 4. Drainage and stormwater management.
 - a. Management plan required. Site plans submitted pursuant to Article II of this Code shall include a drainage and stormwater management plan which addresses the following requirements; unless exempted by 62-346.051, Florida Administrative Code.

b. Stormwater design standards.

i. Stormwater quality. Minimum stormwater quality standard is:

Retention, or detention with filtration of the runoff from the first one inch of rainfall or, for drainage areas less than 100 acres, facilities required to provide retention, or detention with filtration, of the first one-half inch of runoff from a 24-hour, critical duration storm event.

Higher standards may be applied in areas of special concern as determined by the Director.

All stormwater discharge structures shall have sediment controls and skimming devices.

Off-site discharge flows shall be limited to non-erosion velocities.

ii. Stormwater quantity. Minimum stormwater quantity standard:

All developments shall provide facilities required to attenuate the 25-year, 24-hour storm event while limiting discharge to the difference between predevelopment levels and post-development levels or to the capacity of the receiving water or drainage control structure.

The minimum time of concentration shall be ten minutes.

Design engineers shall verify the capacity of the outfall system with analytical analysis, unless waived by the Director.

c. Erosion and siltation control. The minimum for erosion and siltation control:

i. Provide an erosion and siltation plan for temporary and permanent vegetative and structural control measures.

ii. Best management practices contained in the FDEP Florida Development Manual: A Guide to Sound Land and Water Management, will be followed.

-
- iii. Denuded areas shall be stabilized with mulch, sod or other temporary vegetation within 30 days. Final stabilization measures shall be in place within 60 days of final grading.
 - iv. Soil stockpiles shall be protected from erosion. Dust from soil stockpiles shall be controlled.
 - v. Storm drainage inlets shall be protected by hay bales, sod screens or other measures to prevent siltation during construction.
 - vi. Sediment basins, sediment traps, perimeter berms, filter fabric fences, hay bales and other measures indicated on the erosion control plan shall be installed as a first step in land alteration (see subsection 4-4.4, paragraph 1).
 - vii. Exemptions may be authorized by the Director as follows: construction of one single-family dwelling unit, one duplex, one triplex, or one quadraplex residential unit provided the unit is not a part of a larger development; or other activities determined by the Director.

d. Drainage and stormwater management plan requirements.

- i. The applicant shall provide sufficient information for the City to evaluate the characteristics of the affected area, the potential impacts on City water and the acceptability of compensating measures including: maps, sketches, graphs, tables, photographs, narratives and other information.
- ii. The drainage and stormwater management plan shall be prepared by a professional engineer registered in the State of Florida, unless exempted by the Director.
- iii. The drainage and stormwater management plan shall include the following, unless exempted by the Director.

Name, address, and telephone number of the applicant.

Location map and aerial photo outlining project boundaries.

Existing environmental and hydrologic conditions of the site and receiving waters including:

Predevelopment flow rate, direction and volume of stormwater runoff on the site.

Off-site adjacent upland acreage, watercourses, water bodies and wetlands.

Groundwater levels.

Vegetation and soils.

Other appropriate site-specific information including outfall system information.

Components of the proposed stormwater management system including:

Postdevelopment flow rate, direction and volume of stormwater runoff with a comparison to predevelopment conditions.

Construction plans for stormwater system improvements.

Erosion and sedimentation control measure plan (see subsection 4-4.4, paragraph 1).

Plan and schedule for maintenance of stormwater management system and erosion/sedimentation control measures.

Other appropriate site-specific information.

- e. Plan adherence.
 - i. The applicant shall be required to adhere to the drainage and stormwater management plan as approved.
 - ii. Any changes or amendments to the plan must be approved by the City.
 - iii. After completion of the project, the City shall require the project engineer to certify that the project meets the approved plan.

f. Maintenance.

- i. The installed systems required by these standards shall be maintained by the owner unless the City or other agencies have accepted the responsibility of maintenance.
- ii. If the owner fails to maintain his systems, the Director shall give the owner written warning for enforcement action as specified in section 1-11 of this Code.

g. Inspections.

- i. The owner, engineer or contractor shall arrange scheduling with the City for the following inspections during construction:

Erosion and sediment control inspection: as necessary to ensure effective control of erosion and sedimentation, including prior to land clearing.

Bury inspections: prior to covering of underground drainage structures.

Final inspection: when all work, including installation of stormwater management facilities, has been completed.

h. Off-site facilities.

- i. Developers may provide off-site quality and quantity stormwater facilities subject to approval by the Director.
- ii. Developers may request participation by a pro rata share in existing or planned public or regional stormwater facilities in lieu of on-site facilities subject to a development agreement with the City.

i. Exemptions to protection standards.

- i. Any new development, alteration or improvement of existing structures which will not increase the peak discharge rate, the volume of runoff or deposit additional pollution materials beyond the boundaries of the development.
- ii. Maintenance work on existing mosquito control drainage structures for public health and welfare purposes.

-
- iii. Construction of up to 4,000 square feet of impervious or semi-impervious parking/vehicular circulation areas, and up to 5,000 square feet of building areas provided:
 - a. The total project area is equal to or less than one acre;
 - b. All state stormwater requirements are met;
 - c. The project does not directly discharge into the Chipola River as listed in Rule 62-302-700 and 62-346.051 F.A.C.;
 - d. The improvements will not cause or contribute to adverse water quantity impacts to receiving waters or adjacent lands;
 - e. Will not cause adverse flooding to on-site or off-site properties; and
 - f. Will not cause adverse impacts to existing surface water conveyance capabilities.
 - iv. Emergencies requiring immediate action to prevent material harm or danger as in fires, violent storms, hurricanes, or other extraordinary hazards. A report of the emergency action will be made to the City as soon as possible.
 - v. Developments which discharge into an existing stormwater treatment facility with sufficient reserve quality and quantity capacity as determined by the Director.
 - vi. Developments which must meet a higher stormwater management standard mandated by another agency.
 - vii. Phased completion of development project approved before adoption of this Code.
 - j. Combination of management plan with erosion and sediment control plan. Requirements for drainage and stormwater management plans may be combined with the requirements for an erosion and sediment control plan as specified in subsection 4-4 insofar as all requirements for both plans are met.

-
5. Solid Waste. All developments providing dumpsters shall provide six foot tall, gated, opaque enclosure around said dumpster.

4-5.2. Placement/location of utilities.

To the maximum extent practicable, all utilities shall be placed, installed or otherwise located in conformance with requirements identified by the Public Works Department.

4-5.3. Utility easements.

When a developer installs, or causes the installation of, water, sewer, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer title to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Sec. 4-6. Traffic circulation and parking.

4-6.1. Purpose.

This section establishes minimum requirements applicable to transportation systems, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices, and to promote a convenient and safe motorized and nonmotorized transportation system.

4-6.2. Technical construction standards.

Design and construction of all highways, roads, or streets including pavement width, right-of-way, sight clearance and all other associated design considerations shall be as specified in the most recently published edition of the *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, Florida Department of Transportation (commonly known as the "Florida Green Book") unless otherwise specified in this Code.

4-6.3. Functional classifications of roadways.

Roadways within the City have been identified in the Comprehensive Plan as to functional classification established by the Florida Department of Transportation. Functional classifications of roadways within the City are as follows.

1. Urban Principal Arterial - Interstate.

-
- a. Interstate-10
2. Urban Minor Arterial.
 - a. U.S. 90 (Lafayette St.)
 - b. SR 73 (N. of U.S. 90).
 - c. SR 166 (Jefferson St./Caverns Rd, N. of U.S. 90).
 - d. SR 71
 3. Urban Collector.
 - a. SR 73 (Jefferson St., S. of U.S. 90)
 - b. SR 276 (Kynesville Rd./Penn Ave)
 - c. CR 1650 (Cottondale Rd. W. of SR 276).
 - d. CR 167 (South St., W of McPherson St.).
 - e. CR 1665 (McPherson St./Caledonia St., S. of U.S. 90).
 - f. CR 0458 (Kelson St.).
 - g. GCR 0453 (College St.).
 - h. Old U.S. Rd.
 4. Local streets. All other streets not previously listed.

The preceding functional classifications shall be used in reference to standards as applied in this section, or as otherwise specified in this Code.

4-6.4. General design standards.

1. All streets in a new development shall be designed and constructed pursuant to the standards or tests contained in the technical construction standards manual specified in subsection 4-6.2 and right-of-way standards specified in subsection 4-6.5. Streets may be dedicated to the City upon completion, inspection, and acceptance by the City.

-
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
 3. Streets shall be designed so as to avoid environmentally sensitive areas.
 4. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards specified in this section and inspected and approved by the City.
 5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
 6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper interneighborhood traffic flow. If adjacent lands are vacant but platted, stub-outs in the new development shall be provided for future connection(s) to the adjacent platted land.
 7. Residential streets shall be arranged to discourage through traffic.
 8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
 9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.
 10. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets may be no less than 100 feet.
 11. Lots in residential subdivisions shall be designed and arranged so that the front yard and driveway of each lot does not abut, front upon, or connect with any collector or arterial roadway or right-of-way (see subsection 4-6.3).
 12. All shopping centers and malls shall have a fire and safety lane of a minimum width of ten feet contiguous and adjacent to the pedestrian walkway fronting the entrance to shops and stores in the shopping center or mall, and should a pedestrian walkway not exist, then a fire lane shall be contiguous to the exterior perimeter wall of the shopping center or mall structure.

Compliance with this requirement shall be deemed to have been met where there is a minimum of two traffic lanes having a width of not less than 12 feet each which are adjacent and contiguous to the pedestrian walkway fronting the entry into the stores or shops in the shopping center or mall or the exterior perimeter wall thereof.

The fire safety lane shall be posted at intervals of 50 feet by a sign which states: "Fire Safety Lane. Parking, standing or stopping of motor vehicles prohibited at all times."

4-6.5. Rights-of-way.

1. Right-of-way width. Right-of-way requirements for road construction shall be as follows:

Principal arterial: 150 feet.

Minor arterial: 100 feet.

Collector: 100 feet.

Local: 60 feet.

Alleys: At the discretion of the Director

2. Pavement width. Pavement width for roadway construction shall be as follows.

	Four-Lane (feet)	Two-Lane (feet)
Principal arterial	60	36
Minor arterial	60	36
Collector	60	36
Local	48	24

3. Protection and use.

a. No encroachment, including driveway connections, shall be permitted into City rights-of-way, except as authorized by the City.

-
- b. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications identified by the Public Works Department and other applicable laws or regulations.
 - c. Sidewalks and bicycle ways shall be placed within the right-of-way.
4. Vacations of rights-of-way. Applications to vacate a right-of-way shall be approved by the City Commission upon a finding that all of the following requirements are met:
- a. The requested vacation is consistent with the traffic circulation element of the City Comprehensive Plan.
 - b. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
 - c. The vacation would not jeopardize the current or future location of any utility.
 - d. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the City.

4-6.6. Access control.

1. State highway system. All driveways, access points, entrances or exits or other vehicular connections to the state highway system must be authorized by the Florida Department of Transportation, and any access connections to County roadways must be authorized by Jackson County. Vehicular connection permits must be obtained by developers pursuant to Chapter 14-96, Florida Administrative Code; such permits are required for vehicular connections onto the state highway system. Spacing requirements for driveways, access points, entrances or exits or other vehicular connections to the state highway system must meet the access management standards pursuant to Chapter 14-97, Florida Administrative Code.

2. Collector and local streets.

Location and spacing of access points. Location and spacing of access points shall be as specified in subsection 4-6.4 for intersections, and as specified in the technical construction and standards manual (subsection 4-6.2) for other access points.

Emergency access.

- a. All residential subdivisions or multifamily developments, including mobile home parks, with roadway segments over 500 feet in length shall have at least two roadway outlets which will allow for emergency ingress and egress.

4-6.7. Bicycle and pedestrian ways.

1. Installation requirement. All new developments shall be required to install sidewalks and/or bicycle lanes/paths when the need for such facilities has been established as an integral part of the City's nonautomotive traffic circulation system. Decisions by the Director in applying the requirement for bicycle paths or sidewalks shall be based on the following criteria:
 - a. Application of this requirement is necessary to install or complete a portion of the sidewalk system or bicycle lane,/path system;
 - b. Installation of sidewalks or bicycle lanes/paths is not contrary to public safety;
 - c. The cost of providing sidewalks or bicycle lanes/paths is not excessively disproportionate to the need or probable use; and
 - d. Other available factors or means do not indicate an absence of need.
 - e. Sidewalks and/or bike lanes/paths will not be required when located on a state road.
2. Technical construction standards. Required bicycle lanes, paths and sidewalks shall be designed and constructed in conformance with the standards set forth in the *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways* (the Florida Green Book) as published by the Florida Department of Transportation.
3. The minimum sidewalk width shall be 5 feet when separated from the back of curb by a buffer strip. When separated from the curb, the minimum separation for a sidewalk from the back of curb is 2 feet. The minimum sidewalk width may be reduced to 4 feet when physical constraints exist. When sidewalks must be constructed adjacent to the curb, the minimum width shall be 6 feet. Sidewalks should be constructed as defined in the current version of the Florida Green Book - Chapter 8 – Pedestrian Facilities. In areas of high use, refer to the Highway Capacity Manual for calculation of appropriate width.

Maximum cross slope shall be 2%, and grades shall not exceed 8.33%. Curb ramps shall be provided at all intersections (Section 336.045 (3), Florida Statutes). For additional details, refer to the current Americans with Disabilities Act (ADA) Accessibility Guidelines (as described in the Federal Register), and the Florida Accessibility Code for Building Construction (Rule 9B-7.0042).

4. Bicycle lanes shall have a minimum functional width of 4 feet. At least 1 foot additional width is needed when the bicycle lane is adjacent to a curb or other barrier, on-street parking is present, there is substantial truck traffic (>10%), or posted speeds exceed 50 mph. Bicycle Lanes should be constructed as defined in the current version of the Florida Green Book - Chapter 9 - Bicycle Facilities.

4-6.8. Off-street parking and loading.

1. General requirements. In all districts except the downtown improvement STA, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:
 - a. Off-street parking for other than residential use shall be either on the same lot or within 200 feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with institutions and agencies that do not have a time of day conflict in parking demand. The joint parking facilities shall be located not to exceed 400 feet from the church sanctuary.
 - b. Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot that they are intended to serve.
 - c. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the Planning and Zoning Board.
 - d. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
 - e. Driveways shall be located a minimum of 50 feet apart and 100 feet from roadway and railroad intersections, except for single-family and two-family residential uses. Single-family and two-family dwellings shall provide a minimum of 30 feet spacing between access connections and a minimum of 40 feet from intersections of roads and railroads. Driveways

for single-family and two-family dwellings located on a cul-de-sac shall be a minimum of 15 feet apart. A maximum of two connections will be allowed, which meet the spacing requirements.

- f. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- g. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
- h. The required off-street parking shall be for occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.
- i. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the Planning and Zoning Board.
- j. In cases of dual functioning of off-street parking where operating hours do not overlap, the Planning and Zoning Board may grant an exception.
- k. Requirements for off-street parking may be reduced, upon approval by the Planning and Zoning Board, for the purpose of protecting or preserving natural vegetation or other environmental resources.

2. Table of minimum required parking spaces.

Uses	Parking Spaces Required
Dwellings:	
Single-family, duplex, cluster or townhouse dwelling units	2 per unit
Apartment or condominium	2 per unit (plus 1 per each 10 units)
Community residential homes	1 per bedroom
Hotels and motels	1 per unit (plus 1 per 5 employees)
Mobile Home Parks	2 per unit (plus 3 per 300 sq. ft. of service buildings)
Boarding homes and Dormitories	1 per bedroom
Public assembly:	

Church, temple or other place of worship	1 per 4 seats in main assembly room
Fraternal organization or private club	1 per 300 square feet gross floor area, plus 1.5 per bedroom
Auditorium, theater, gymnasiums or convention hall	1 per 4 seating spaces
Libraries and museums	1 per 500 square feet gross area
Private schools, kindergartens and day care centers	1 per 4 seats in assembly hall plus 1 per classroom
Amusement place, dancehall, swimming pool or exhibition hall	1 per 4 seating spaces or 1 per each 100 square feet of floor or grounds used for amusement or assembly
Health facilities:	
Hospitals	2 per bed
Sanitariums, convalescent homes or similar institutions	1 per 500 square feet of gross floor area
Animal hospitals	1 per 400 square feet of gross floor area
Medical, dental and health offices and clinics	1 per 300 square feet of gross floor area
Funeral parlors or mortuaries	1 per each 4 chapel seats
Business:	
Bowling alley	5 per alley
Food stores and drugstores	1 per 300 square feet of gross floor area (over 4,000 square feet: use 1 per 100 square feet gross floor area)
Commercial, retail business, personal services	1 per 300 square feet of gross floor area
Furniture Store	1 space per 1,500 sq. ft.
Health spa or club	1 per 300 square feet of gross floor area
Business and professional offices	1 per 300 square feet of gross floor area
Banks or other financial institutions	1 per 300 square feet of gross floor area
Printing, publishing or broadcasting	1 per 300 square feet of gross floor area
Restaurant, lounge or establishment for consumption of beverages on premises	1 per 100 square feet of floor area or 1 per 4 seats, whichever is greater
Drive-in restaurants	Subject to approval by the Director
Shopping centers	2 spaces per 1,000 square feet of gross floor area for each square foot up to 150,000 square feet, plus 1

	space per 1,000 square feet for each square foot over 150,000 square feet of gross floor area
Gasoline service station	4 spaces per 1,000 square feet
Convenience food stores	Subject to approval by the Director
Industrial Uses	1 space per 1,500 square feet of gross floor area up to 20,000 square feet, and 1 space per 2,500 square feet of gross floor area in excess of 20,000 square feet, and 1 space per 300 square feet of office area.
Warehouse	1 space per 1,500 square feet of gross floor area up to 20,000 square feet, and 1 space per 2,500 square feet of gross floor area in excess of 20,000 square feet, and 1 space per 300 square feet of office area.

3. Off-street parking lot layout, construction and maintenance. Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following regulations:
- a. Except for parcels of land devoted to one- and two-family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
 - b. Each parking space shall be not less than 200 square feet in area (20 feet by ten feet) and shall be a marked stall adequate for one motor vehicle.
 - c. In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one parking space.
 - d. Clearly defined driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width with one in one out entrance and 36 feet in width for one in two out entrance, exclusive of curb returns.
 - e. All areas devoted to permanent off-street parking as required under this section shall be constructed and maintained in such a manner that no dust will result from continuous use.
 - f. The parking lot shall be drained to eliminate surface water, or be constructed of pervious, dustless material so as to allow for percolation.

-
- g. Where the parking lot abuts side lot lines of a residential district, there shall be established a setback line four feet from such side lot lines.
 - h. Where the parking lot is contiguous to a residential district which has common frontage in the same block with the parking lot, there shall be established a setback line ten feet from the street right-of-way.
 - i. Where the parking lot abuts rear property lines of a residential district, there shall be established a setback line four feet from the rear lot line.
 - j. Where parking is to be provided in the front yard of a multiple-family dwelling, there shall be established a setback line ten feet from the street right-of-way.
 - k. Landscaped buffers are required as specified in subsection 4-3.4.
 - l. Plans for the layout of a parking lot must be approved by the Planning and Zoning Board based on design standards specified in the current version of A Policy on Geometric Design of Highways and Streets, AASHTO.
 - m. The Planning and Zoning Board shall have the authority to approve off-street parking in any district which is more restrictive than that required for the major land use it is intended to serve subject to the preceding conditions.
 - n. The landscaping requirements specified in section 4-3 shall apply to construction and maintenance of all parking lots.
4. Joint Use of Facilities.
- a. Joint use of off-street parking for two or more buildings or uses shall be permitted in the following designated areas:
 - i. Mixed Use Special Treatment Area (MUSTA),
 - ii. Downtown Improvement Special Treatment Area (DISTA),
 - iii. Industrial Special Treatment Area (ISTA), and
 - iv. Distribution Park Special Treatment Area (DPSTA).
 - b. Off-site parking may be provided in the areas designated in 4-6.8.4.a. per the standards below.
 - i. Joint use parking facilities shared by uses which have different principal operating hours. The schedule of operation of all such

land uses shall provide that none of the uses sharing the facilities normally require parking at the same time as the other uses sharing them.

- ii. Joint use parking facilities shared by uses with similar operating hours. Parking requirements shall be calculated by adding the total number of spaces required by each separate function as listed in Table of Minimum Required Parking Spaces (subsection 4-6.8.2) and dividing the total by the appropriate factor from the Shared Parking Factor Matrix.

Shared Parking Factor Matrix

	Residential	Lodging	Office	Retail	Public Assembly
Residential	1.0	1.2	1.6	1.4	1.4
Lodging	1.2	1.0	1.7	1.5	1.5
Office	1.6	1.7	1.0	1.4	1.6
Retail	1.4	1.5	1.4	1.0	1.6
Public Assembly	1.4	1.5	1.6	1.6	1.0

Example: 10,000 square feet of retail and 10,000 square feet of office.

Retail Requirement: 4 spaces / 1,000 square feet
 10,000 square feet / 1,000 square feet = 10*4 spaces = 40 spaces

Office Requirement: 4 spaces / 1,000 square feet
 10,000 square feet / 1,000 square feet = 10*4 spaces = 40 spaces

Total number of spaces per “Table of Minimum Required Parking Spaces” = 40 retail spaces + 40 office spaces = 80 spaces

Shared Parking Factor = 80 / 1.4 spaces = 57 spaces

Parking requirement with Shared Parking = 57 spaces

4-6.9. Storage and parking of trailers and commercial vehicles.

Commercial vehicles and commercial trailers shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. Not more than one commercial vehicle, which does not exceed a class 3 rating or gross vehicle weight rating of 14,000 pounds per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
2. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a mobile home park or designated camping area.

4-6.10. General requirements for off-street loading and unloading requirements.

In all districts, and on the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

Off-street loading and unloading space shall be provided as follows:

1. One off-street loading and unloading space shall be provided for buildings up to and including 20,000 square feet of floor area, plus one additional off-street loading and unloading space for each additional 20,000 square feet of floor area up to and including 100,000 square feet.
2. There shall be provided an additional off-street loading and unloading space for each additional 40,000 square feet of floor area in excess of 100,000 square feet.
3. Where trailer trucks are involved such loading and unloading space shall be an area 12 feet by 45 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
4. All areas devoted to permanent off-street loading and unloading as required under this section shall be of a sealed-surface construction and maintained in such a manner that no dust will result from continuous use.

4-6.11. Handicapped parking requirements.

-
1. Any land use offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons.
 2. Angles or perpendicular parking spaces shall be a minimum of 12 feet wide.
 3. Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to driveway entrances.
 4. Each parking space shall be conspicuously outlined in blue paint and shall be posted and maintained with a permanent, above-grade sign bearing the international symbol of handicapped accessibility and the caption "Parking by Disabled Permit Only."
 5. All spaces shall have an adjacent access aisle five feet wide minimum.
 6. All spaces shall be accessible to a curb ramp when necessary.
 7. The minimum number of special parking spaces shall be one per 25 total spaces up to 100 spaces. Above 100 spaces total add one additional space per 50 total spaces.

Sec. 4-7. Subdivision standards.

4-7.1. Purpose.

The procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof are necessary and appropriate in order to provide for economical and sufficient streets with adequate widths and with proper alignment and grades designed to promote the public safety, health and general welfare, to provide for the harmonious development of the City, for suitable residential neighborhoods with adequate and appropriate building sites, to save unnecessary expenditure of public funds by initial, proper, coordinated construction of streets and to secure adequate provision for water, drainage, sewers and other utilities and to provide proper land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

4-7.2. Applicability

Any owner of land lying within the area of jurisdiction who wishes to divide such land into three or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Director for approval and shall obtain the approval of the City Commission prior to the filing of his subdivision plat for record. Any

such plat of subdivision shall conform to the minimum standards set forth in this section and shall be presented in the manner specified in the following subsections. No plat of a subdivision of land within the area of jurisdiction shall be filed or recorded by the clerk of the circuit court without the approval of the City Commission as specified herein.

4-7.3. General requirements.

1. The following documentation shall accompany the plat:
 - a. A title opinion of an attorney licensed in the State of Florida or a certification by an abstractor or a title company stating that the public records identify that the title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication. In addition, a document entitled "consent to platting of lands and partial release of mortgage" shall be filed together with the final plat for each person or corporation holding a mortgage on all land included on the plat where such person or corporation has not signed the final plat.
 - b. Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all the necessary survey monuments, lot sizes, and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom or under whose authority and direction the plat was prepared.
 - c. Certification that all real estate taxes have been paid.
2. Guarantee in lieu of completed improvements. No final subdivision plat shall be approved by the Planning and Zoning Board or the City Commission or accepted for record by the county clerk until one of the following conditions has been met:
 - a. All required improvements have been constructed in a satisfactory manner and approved by the City manager or his authorized representative.
 - b. The City Commission has accepted a surety bond in an amount equal to the estimated cost of installation of the required improvements upon an estimate made by the Director and approved by the Planning and Zoning Board whereby improvements may be made and utilities installed without cost to the City of Marianna in the event of default of the subdivider.
3. If a homeowners association is to be used, it shall be identified on the plat. A copy of the bylaws and proof of recording shall be provided after review by the City Attorney.

4-7.4. Preliminary plat.

1. Any developer of any subdivision shall, prior to any land clearing, construction, or improvements, submit to the Director a preliminary plat. The preliminary plat review procedure is established to provide sufficient information regarding a proposed subdivision plat in order that the Department can evaluate the site development concept as it relates to the City's comprehensive plan in general, and for the property being subdivided in particular, and decide on the merits of the proposed subdivision. Upon approval of the preliminary plat by the Director, the Planning and Zoning Board, and the City Commission, the developer may proceed with the final plat and any other documents required pursuant to this Article.
2. All concurrency management requirements as set forth in Article III of this Code must be met.
3. At least 45 days prior to the meeting at which it is to be considered, the subdivider shall submit to the Director three copies of a complete preliminary plat package of the proposed subdivision.
4. The preliminary plat shall be prepared by a surveyor or engineer, drawn to a scale of not less than one inch equals 100 feet, and shall include the following:
 - a. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.
 - b. The proposed subdivision's location, the name(s) and address(es) of the owner or owners, and the name of the designer of the plat.
 - c. Date, approximate north point, and graphic scale.
 - d. Identification clearly stating that the drawing is a preliminary plat.
 - e. The location of existing and platted property lines, existing streets, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the zoning

designation on the land to be subdivided and on the adjoining land, and the names of adjoining property owners or subdivisions.

- f. Plans of public utility layouts showing feasible connections to the existing or any proposed utility systems. All utilities shall be placed underground unless, at the Planning and Zoning Board's discretion, such installation is not feasible. When water and sewer connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the appropriate state agencies.
- g. All easements or rights-of-way provided for public services or utilities and any limitations of such easements.
- h. The proposed street names and the locations and dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines and utilities.
- i. Contours at vertical intervals of not more than one foot except when specifically not required by the Planning and Zoning Board.
- j. The acreage of the land to be subdivided.
- k. Location map showing relationship of subdivision site to area.
- l. All rights-of-way centerlines shall be shown with distances, angles, bearings or azimuth, points of curvature, arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth or both.
- m. All lot numbers and lines. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet and bearings or angles to street lines.
- n. Accurate descriptions of any area to be dedicated or reserved for public use with the purpose indicated thereon.
- o. Title, date of survey, graphic scale of map, and north arrow. The bearing of azimuth reference shall be clearly stated on the face of the plat in the notes or legend.
- p. Permanent reference monuments shall be placed in accordance with requirements of the county.
- q. Each plat shall show a description of the lands platted and the description shall be the same in the title certification. The description shall be so

-
- complete that from it, without reference to the plat, the starting point and boundary can be determined.
- r. The clerk of the circuit court's certificate and the land surveyor's certificate and seal.
 - s. All section lines and quarters section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The point of beginning in the description shall be tied to the nearest government corner or other recorded and well-established corner.
 - t. All contiguous properties shall be identified by plat title, plat book and page number, or as unplatted land. If the area platted is a replatting of a part of the whole of a previously recorded plat, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made and reference to the replatting shall be stated as a subtitle following the name of the plat wherever it appears on the plat.
 - u. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered or lettered in each block, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
 - v. Park and recreation parcels shall be so designated.
 - w. All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."
 - x. The purpose and ownership of all areas dedicated must be clearly indicated or stated on the plat.
 - y. When it is not possible to show curve detail information on the map, a tabular form may be used.
5. One copy of the preliminary plat will be retained in the Planning and Zoning Board files; one copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required; and one copy shall be filed with the Director.

-
6. The approval of the preliminary plat by the Planning and Zoning Board will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.
 7. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within eighteen months from the date of such approval unless a one-time eighteen month extension of time is applied for and granted by the Planning and Zoning Board.
 8. Every subdivision shall be required to construct or install all improvements including streets, utilities, drainage, etc., before the final plat is filed. All improvements shall be constructed to established City and State standards.

4-7.5. Final plat.

1. The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these standards.
2. Every plat of a subdivision offered for recording shall conform to the following:
 - a. An original drawing made with black permanent drawing ink or varitype process on a good grade linen tracing cloth or with a suitable permanent black drawing ink on a stable base film, a minimum of 0.003 inches thick, coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility; or
 - b. A nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency.

Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A reproducible copy of the original drawing shall be submitted with the original drawing.
3. Information required on the final plat in a form satisfactory to the City shall include:
 - a. All blocks, lots, streets, crosswalks, easements and waterways within and adjacent to the plat, all of which shall have all angular and linear dimensions given and all radii, internal angles, bearings, points of curvature, tangents and lengths of all curves, so that no dimensions or data are missing which are required for the future location of any of the

corners or boundaries of blocks, lots, or streets, as listed above. When any lot or portion of the plat is bounded by an irregular line, the major portion of that lot or plat shall be enclosed by a witness line showing complete data with distances along such lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less" if variable. All dimensions shall be given to the nearest hundredth of a foot. True angles and distances shall be drawn to the nearest established official monuments, not less than three (3) of which shall be accurately described on the plat. The intended use of all easements shall be clearly stated.

- b. Curvilinear lots shall show arc distances and radii, chord and chord bearing. Radial lines will be so designated. Direction of nonradial lines shall be so indicated.
 - c. Sufficient angles and bearings shall identify the direction of all lines and shall be shown to the nearest second.
4. The Planning and Zoning Board and Director shall approve or disapprove the final plat within 60 days after its submission. Failure of the Planning and Zoning Board to act on the final plat within such 60-day period shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning and Zoning Board.

Upon approval of the final plat by the Planning and Zoning Board and Director, or if no action is taken by the board within 50 days of the submission of the plat, it shall be referred to the City Commission with recommendations of final action. When the plat has been approved by the City Commission, one copy will be returned to the subdivider with the approval of the City Commission certified thereon for filing with the clerk of circuit court, as the official plat of record. The original tracing containing all required certifications will be returned to the subdivider for his records and the third copy will be retained in the records of the City. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the City Commission.

- 5. Before a plat is offered for recording, it shall be approved by the City Commission and evidence of such approval shall be placed on such plat. If not approved, the City Commission shall return the plat to the land surveyor. Approval of the final plat by the City Commission shall constitute the acceptance by the public of the dedication of any public streets or other public way or ground.
- 6. After the approval by the City Commission, the plat shall be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat. Two copies of the recorded plat must be provided to the Municipal

Development Department by the applicant.

7. Dedication and approval.
 - a. Every plat of a subdivision filed for record must contain a dedication by the developer. The dedication shall be executed by all developers having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.
 - b. When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the developers and mortgagees having a record interest in the lands subdivided and the approval of the City Commission has been secured and recorded in compliance with this section, all streets, alleys, easements, rights-of-way, and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes thereon stated. However, nothing herein shall be construed as creating an obligation upon the City to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the City.
8. The following certificates shall be presented with the final plat:
 - a. Certification showing that applicant is the landowner and dedicates streets, rights-of-way and any sites for public use and that all taxes due on the land shall have been paid prior to the time of filing the plat.
 - b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.
 - c. Certification by appropriate state agencies approving planned sewage disposal and water system which are to be installed and dedicated to the City.
 - d. Certification of approval to be signed by the mayor, City clerk and City manager.

4-7.6. Minimum design standards.

1. Supervision of work. All work shall be constructed under the supervision of the developer's engineer, who shall be authorized to require and who shall require that it be constructed in accordance with the development plan and the requirements of this section. He shall have authority to make minor changes in the development plan consistent with these requirements, but major changes shall not be made without the prior approval of the Director and City manager. All necessary certificates indicating the satisfactory installation of the water distribution system and quality of the water as well as the certificates indicating the approval of the sanitary sewer systems by appropriate state agencies are the responsibility of the subdivider's engineer.
2. Measurements and tests required. During construction the developer's engineer shall cause to be made such field and laboratory tests as are needed to assure that the work and materials conform with the development plan and the requirements of this section. The results of these tests shall be submitted to the City manager and Director in duplicate.
3. Streets and public ways. Location and construction of all streets shall be as specified in section 4-6 of this Code. The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width.

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet minimum street width requirements.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

All subdivisions shall be designed and constructed so that driveways or vehicular access for each lot do not directly connect onto any arterial or collector roadway. Where possible, lots should be arranged so that front lot lines do not abut any arterial or collector roadway.

Where possible a grid network shall be provided and cul-de-sacs shall be avoided. If unavoidable, minor terminal streets or courts designed to have one end permanently closed shall be no more than 500 feet long unless necessitated by topography. They shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet

and a street right-of-way diameter of at least 100 feet or the Planning and Zoning Board may approve an alternate design.

Where, in the opinion of the Planning and Zoning Board, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround having a roadway diameter of at least 80 feet.

- c. Traffic calming measures shall be provided by the applicant when deemed appropriate by the Director.
- d. Street lighting and landscaping shall be required within the public ways.
 - i. Street lighting shall be installed on both sides of the street a maximum of 100 feet apart. The general preference shall be for smaller, but more frequent light fixtures rather than fewer high-intensity lights. All fixtures, whether wall mounted or freestanding, shall be total cutoff and directed downward to reduce glare on adjacent properties.
 - ii. Drought tolerant plants shall be used in all common areas, stormwater areas, and entryways. Invasive species shall be prohibited. A landscape plan shall be submitted as part of the development review process.

4. Blocks.

- a. Length. Blocks shall not be less than 500 feet nor more than 1,200 feet in length, except as the Planning and Zoning Board considers necessary to secure efficient use of land or desired features of street pattern. In blocks over 800 feet in length the Planning and Zoning Board may require one or more public crosswalks of not less than ten feet in width to extend entirely across the block and at locations deemed necessary.
- b. Width. Blocks shall be wide enough to allow two rows of lots, except where reverse frontage on major streets is provided or where prevented by topographical conditions or size of the property, in which case the Planning and Zoning Board may approve a single row of lots of a minimum depth not less than 150 feet.

5. Lots.

- a. Adequate building sites. Each lot shall contain a building site outside the limits of any existing easement or building setback lines required in section 4-1.
- b. Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road which is not less than 60 feet in width.
- c. Minimum size. The size, shape, and orientation of lots shall be as the Planning and Zoning Board deems appropriate for the type of development and use contemplated. Where public water and sanitary sewer systems are reasonably accessible, the subdivider shall connect with such systems and provide a connection or connections to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used, if it meets all applicable public health regulations. Where possible, septic tanks should be placed in front yards to facilitate future connection onto the central sewer system.

Residential lots not served by public water and sanitary sewer systems shall not be less than 100 feet wide at the building setback line nor less than 21,780 square feet in area; provided, however, greater area may be required by the Planning and Zoning Board as indicated by data from percolation tests and investigations or as determined by the City, or state agencies.

- d. Corner lots. Corner lots shall have sufficient width to conform to the side yard and setback requirements specified in section 4-1.

6. Public use and service areas. Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as for use as public service areas.

- a. Public open space. In the same manner as the subdivider shall dedicate necessary rights-of-way and easements the subdivider shall also be required to dedicate land for recreational purposes for the inhabitants of the subdivision.

All sites designated in subdivision plats for public parks and recreation areas shall be dedicated in the plat and also deeded to the City for this purpose. When a subdivision covers an area within which a park or recreation site is shown in the Comprehensive Plan of the City, provision shall be made for the reservation of the site in the plat for a period of one

year to enable the City to purchase or make satisfactory arrangements for acquisition of said site. If the City fails to act within one year, the subdivider may replat the reserved site.

Developers of residential subdivisions consisting of over ten residential lots shall provide land area to be dedicated for public or private recreation use. Land area dedicated for residential use shall be at least equal to the size of one residential lot for each ten lots shown on the plat, and shall be located on upland property with the same site characteristics as the subdivision as a whole. Upon approval of the City Commission, developers may provide funds in lieu of property dedication if such funds are at least equal to the market value of the total lots required for recreation purposes.

If agreement cannot be reached as to a land value, the value shall be determined by arbitration. The City Commission shall appoint a professional land appraiser, the subdivider shall appoint a professional land appraiser, and these two shall appoint a third.

- b. Easements for utilities. Except where alleys are permitted for the purpose, the Planning and Zoning Board may require easements not less than 20 feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, water or other utility lines along all rear lot lines, along side lot lines if necessary, or if advisable, in the opinion of the Planning and Zoning Board. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.
 - c. Community assets. In all subdivisions due regard shall be shown for all natural features such as large trees and watercourses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.
7. Suitability of the land. Neither the Planning and Zoning Board nor the City Commission shall approve the subdivision of land, if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living

conditions.

Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

8. Large tracts or parcels. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.
9. Group housing development. A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the City Commission although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.
10. Utilities. All utilities including electric, telephone, water, sewer, gas, etc., shall be installed and maintained as specified in section 4-5 of this Code. Where feasible, all utilities shall be placed underground.
11. Other required improvements. Other improvements such as curb and gutter, sidewalks, bicycle paths or other similar features may be required as considered necessary by the City. For sidewalk and bicycle path standards, refer to section 4-6.7 of this Code.

4-7.7. Development prerequisite to final approval.

Every subdivision developer shall be required to construct or install all improvements including streets, utilities, drainage, etc., before offering any lots or parcels for sale. All improvements shall be constructed to established City standards.

4-7.8. Restrictions.

1. No person who is the owner or agent of the owner of any subdivision shall transfer, sell, agree to sell, or negotiate to sell, such subdivided land without first having obtained approval of a plat of such subdivision and having recorded the same as is required by this section.
2. No person who is the owner or agent of the owner of any land shall transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by this section and recorded the approved subdivision plat as required.

-
3. No person shall file or record or attempt to file or record a plat of a subdivision within the City without the approval of such plat as required by this section.
 4. No clerk of circuit court or other public official shall receive, file, or record a plat of a subdivision within the City without the approval of such plat as required by this section.
 5. It shall be the duty of the Director to enforce the provisions of this section. He shall refuse to grant a permit for the use of premises for the construction of or alteration of any building if the same will be in violation of any of the provisions of this section. Any misstatement or inaccuracy on the application for a permit or any violation of the provisions of this section will be sufficient grounds for the denial or revocation of a permit by the Director.

Sec. 4-8. Manufactured homes and manufactured home parks.

4-8.1. Purpose.

The purpose of this section is to provide standards for the location and placement of individual manufactured homes, manufactured home parks or manufactured home subdivisions.

4-8.2. Applicability.

Manufactured homes to be placed or otherwise located within the City shall comply with requirements specified herein. Manufactured homes shall be used for residential purposes only.

4-8.3. Individual manufactured homes on individual lots (not part of a manufactured home park or subdivision).

1. Residential design manufactured homes.
 - a. Intent. It is the intent of this regulation to encourage the provision of affordable housing in a general residential environment by permitting the use of residential design manufactured housing, RDMH as defined herein, in residential districts in which similar dwellings constructed onsite are permitted, subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such residential design manufactured housing and dwellings which have been constructed under these and other applicable regulations on contiguous or other lots in the same district.

Manufactured homes approved by RDMH, either individually or by specific model, shall be permitted in specific zoning districts as set forth in this Article in which similar residential occupancy is permitted as defined in subsection 2.(b) below, subject to all requirements and limitations applying generally to such residential use in such zoning districts, including but not limited to minimum lot, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as described herein.

- b. Standards for determination of similarity in exterior appearance, RDMH. The following standards shall be used in determinations of similarity in appearance between RDMH homes, with foundations approved as provided in this subsection and site built homes.
 - i. Minimum width of main body. Minimum width of the main body of the RDMH as located on the site shall not be less than twenty feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.
 - ii. Minimum roof pitch, minimum roof overhang, roofing materials. Minimum pitch of the main roof shall be not less than one foot of rise for four feet of horizontal and minimum roof overhang shall be six inches. In cases where site built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 3:124:4 and/or roof overhangs are less than six inches, then the RDMH may have less roof pitch and overhang similar to the site built houses. In general, any roofing material may be used which is generally used for site built houses.
 - iii. Exterior finish; light reflection. Any material may be used for exterior finish which is generally acceptable for housing provided, however, that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.
 - iv. Foundation. RDMH shall be placed upon a permanent foundation. Permanent foundation shall mean:
 - (a) Installation of the home according to Chapter 15C-1, Florida Administrative Code; and
 - (b) Construction of a permanent, perimeter stem wall designed and constructed to comply with the standard building Code specifications for exterior non-load bearing walls, extending at a minimum from the ground surface to the

bottom starter of the exterior wall surfaces of the home as approved by the Director and building official.

(c) The Director may predetermine and establish general approval for specific types, varieties or designs of foundations and veneer or screening materials to be used in connection with future installation of a RDMH.

c. Procedures for approval of RDMH. Approval for RDMH shall be authorized by the Director.

i. Applications for RDMH approval. Applications for approval of manufactured homes as RDMH shall be submitted to the Director in such form as may be required to make determinations. In particular, in addition to such information as is generally required for permits and as is necessary for administrative purposes, such applications shall include all information necessary to make determinations as to conformity with the standards herein, including elevations or photographs of all sides of the RDMH, exterior dimensions, roof pitch, exterior finish, and the like.

ii. Foundation specifications. Where there has been prior general approval of foundations proposed to be used, as provided in the standards herein, detailed specifications or descriptions of such foundations shall not be required. Where it is proposed to use foundations not previously approved, specifications or descriptions shall be supplied in sufficient detail for determinations as provided in the standards herein.

Where type of foundation to be used is unknown at the time of application for RDMH determinations for models or individual manufactured homes, approval as RDMH may be granted if otherwise appropriate, but locations and use for residential purposes shall be subject to the limitations in section 1.b.iv.

2. Standard design manufactured homes.

a. SDMH placement. Standard design manufactured homes (SDMH) shall be placed only in manufactured home parks or manufactured home subdivisions.

b. Private temporary use. A SDMH may be used in any zoning district as a temporary office or shelter for materials or tools (but not for residential purposes except in cases where it can be demonstrated to the

satisfaction of the Director that for security reasons such occupancy is necessary and essential and except as provided otherwise herein) incidental to construction on or development of the premises upon which the manufactured home is located; such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without further approval of the Director, and he/she shall give such further approval only upon finding that actual construction is continuing.

- c. Government temporary use. Any agency of local, state or federal government may utilize a SDMH for temporary public purposes in any zoning district.

3. Mobile homes.

- a. Due to the lack of comprehensive implementation of federal building and safety standards for transportable structures manufactured prior to June 15, 1976, no mobile homes manufactured before June 15, 1976, shall be permitted in any zoning district of the City. The sale, resale, installation or transportation of a mobile home that was imported in violation of this subsection is strictly prohibited. The Director may grant limited waivers for the sole purpose of transporting a substandard mobile home out of the City or to a permitted site for demolition and disposal.
- b. Except where expressly preempted by the requirements of the Department of Highway Safety and Motor Vehicles, a mobile home owner or the park owner shall be allowed to site any size new or used mobile home and appurtenances on a mobile home lot in accordance with the lot sizes, separation and setback distances, and other requirements in effect at the time of the approval of the mobile home park in accordance with Section 723.041, F.S.
- c. No person shall park or store an unoccupied mobile home in a residential zoning district except in a completely enclosed structure, unless otherwise provided for herein.
- d. Mobile homes may be used as a temporary residence incidental to construction on or development of property for a residential use on which the mobile home is located only during the time in which construction or development is actively underway, and in no case for more than six months, subject to renewal. Such use is subject to the approval of the Director.

4-8.4. Manufactured home parks.

1. Zoning districts. Manufactured home parks may be allowed as a conditional use in the R-2 district and as an allowable use in the R-3 and mixed use districts.
2. Development standards. The following property development standards shall apply for all manufactured home parks:
 - a. No parcel of land containing less than five manufactured home spaces, available at the time of first occupancy, shall be used for a manufactured home park. However, the plans submitted for approval as required in paragraph 5, "Application for approval," shall be designed for a minimum of 25 manufactured home units.
 - b. The manufactured home park shall be subject to the density provisions of the district in which it is located, provided, however, there shall be not less than 5,000 square feet of lot area for each space provided on the site. This space ratio shall include access roads, automobile parking, accessory building space, and recreational area.
 - c. The manufactured home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
 - d. Yards.
 - i. Each manufactured home park shall have a front yard of 25 feet extending for the full width of the parcel devoted to said use.
 - ii. Each manufactured home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than ten feet.
 - iii. Where a side or rear yard abuts a street, the yard shall be not less than 25 feet and all yards shall be landscaped and maintained.
 - e. No building or structure erected or stationed in this park shall have a height greater than one story or 15 feet.
 - f. A manufactured home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven feet in height. Such wall, fence, or hedge shall not be constructed or planted within the required front yard setback.

-
- c. Manufactured home spaces may abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to the access road within the manufactured home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
 - d. A minimum of six inches of compacted gravel, or other suitable pavement material, shall be installed for each manufactured home space. Size of pads shall be as follows:
 - Five percent: Ten feet by 40 feet or larger.
 - Ninety percent: Ten feet by 50 feet or larger.
 - Five percent: Ten feet by 60 feet or larger.
 - e. Walkways not less than two feet wide shall be provided from the manufactured home spaces to service buildings.
 - f. Each manufactured home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by state agencies.
 - g. There shall be provided a park and recreation area having a minimum of 150 square feet for each manufactured home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than 30 feet.
 - h. Each manufactured home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, and laundry facilities equipped with washing machines and dryers. Outside drying yards shall be enclosed with a six-foot-high solid fence.
 - i. Manufactured homes, with or without toilet facilities, that cannot be connected to a sanitary sewer line shall not be permitted in a manufactured home park.
 - j. Cabanas and other similar enclosed structures are prohibited.
 - k. Manufactured homes shall not be used for commercial, industrial, or other nonresidential uses within the manufactured home parks.

-
5. Application for approval. Applications for approval of manufactured home parks shall be filed with the Director. A development order may be issued by the Director after review and approval by the Planning and Zoning Board and the City Commission. Each application for approval shall be accompanied by three copies of a site plan drawn to an acceptable scale and certified by a professional engineer or architect licensed in the state. For each site plan the following information shall be shown:
- a. The location and legal description of the proposed manufactured home park.
 - b. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
 - c. The proposed use of buildings shown on the site.
 - d. The location and size of all manufactured home spaces.
 - e. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
 - f. The location of all landscaping to be provided.
 - g. The location of all lighting standards to be provided.
 - h. The location of all walls and fences and the indication of their height and the materials of their construction.
 - i. The location of all off-street parking facilities.
 - j. The name and address of the applicant.
 - k. Such other architectural and engineering data as may be required to permit the Director and Planning and Zoning Board to determine if the provisions of this section are being complied with.

A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one year.

Sec. 4-9. Transfer of Development Rights**4-9.1. Purpose.**

The purpose of this section is to establish a transfer of development rights (TDR) program to permanently preserve sensitive natural resources and important agricultural lands within the City of Marianna.

4-9.2. Applicability.

This section shall apply within the City of Marianna and shall regulate the transfer of development rights from a specific TDR sending area to a specific TDR receiving site.

4-9.3. Definitions.

1. Development Rights. The quantity of residential density that may be transferred from a TDR sending area to a receiving area.
2. TDR Receiving Area. A parcel on which development rights may be received from a TDR Sending Area in accordance with this section.
3. TDR Sending Area. A parcel on which development rights may be severed and transferred to a TDR receiving area in accordance with this section.
4. Sever or Severance. The removal, termination, or separation of all development rights from a TDR Sending Area pursuant to a deed that assures the TDR Sending Area will remain undeveloped in perpetuity.

4-9.4. Transfer of Development Rights Regulations

1. TDR Sending Areas. Lands within the Conservation zoning categories on the City of Marianna Zoning Map shall be designated sending areas.
2. TDR Receiving Areas. Receiving areas shall be the Residential-3, Mixed Use, and Commercial zoning designations on the City of Marianna Zoning Map.
3. Calculation of development rights. A transfer of units shall be allowed on a 1 to 1 basis to any other parcel within the designated receiving area in the City, outside of the sending area.

-
4. Development Activities. In order to utilize the additional development rights an applicant must complete the development review process as outlined in Section 2-4.

4-9.5. Application to Transfer Development Rights

1. The applicant for a transfer of development rights shall submit to the City of Marianna Municipal Development Department an application to transfer development rights containing the following information:
 - a. An affidavit that the applicant is the owner(s) of the TDR receiving area or is the owner's authorize representative, in which event the affidavit will also be signed by the owner(s) of the TDR receiving area authorizing such representation and stating that the affidavit is submitted pursuant to this article.
 - b. An affidavit by the owner(s) of the TDR sending area or the owner's authorized representative in which event the affidavit will also be signed by the owner(s) of the TDR sending area authorizing such representation and stating that the affidavit is submitted pursuant to this section.
 - c. Legal description and survey of the lot(s) or parcel(s) in the TDR sending area from which the transfer of development rights will be severed.
 - d. Legal description and survey of the parcel(s) in the TDR receiving area that will receive the transferred development rights.
 - e. A title commitment demonstrating that clear title is held by the owner(s) of the TDR sending area, free and clear of mortgages, liens, or other encumbrances.
 - f. A narrative describing the resources and public benefit to be preserved on the TDR sending area following the transfer of development rights, accompanied by an existing conditions plan of the TDR sending area showing the boundaries of the TDR sending area, existing dwelling units and structures, submerged lands, any area already in a conservation easement or other similar encumbrance.
 - g. Data supporting the computation of the amount of transferable development rights of the TDR sending area to be transferred to the TDR receiving area.

-
- a. The transfer of development rights shall be consistent with all applicable provisions of the Comprehensive Plan, Land Development Regulations, and this Section.
 - b. The transfer of development rights shall not adversely affect adjacent properties in terms of creating a nuisance, reduction in property values, or other quantifiable measure.
 - c. The TDR sending area and the TDR receiving area have been adequately described by legal description and location map.
 - d. The total amount of development rights proposed to be transferred is accurate, fully identified, and authorized by this Article.
 - e. The TDR sending area has not previously transferred available development rights.
 - f. The TDR sending area shall be maintained in a natural state.
 - g. Data demonstrates that adequate public facilities and services, including roads, drainage, potable water, sanitary sewer, and police and fire protection, will exist to serve the development of the TDR receiving area at the time of development.
 - h. The TDR receiving area is suitable for development; it does not contain regionally or locally significant resources, important agricultural lands, or environmentally sensitive areas that will be adversely affected by the transfer of development rights; and that concurrency management requirements be not be exceeded.
 - i. There will be no adverse effects on regionally or locally significant resources, important agricultural lands, or environmentally sensitive areas resulting from the transfer of development rights.
 - j. Ensure that the appropriate application fees have been paid.
3. The Municipal Development Director shall approve or deny the application to transfer development rights in writing within thirty (30) days after receipt of the application, which shall describe the type and amount of development rights severed from the TDR sending area and transferred to the TDR receiving area. A copy of the decision shall be provided to the applicant by certified mail.

-
4. Appeals of the Development Services Director's decision shall be as set forth in Section 2-6.5.

4-9.7. Transfer of Development Rights Monitoring

1. The City shall maintain a tracking system to record and monitor the transfer of development rights, which shall be maintained by the Municipal Development Department.
2. Each parcel included within a Deed of Transfer of Development Rights shall have an individual record. Each record shall at a minimum include the following information:
 - a. Name and address of the property owner of the TDR sending area and the TDR receiving area.
 - b. Address and legal description of the TDR sending area and the TDR receiving area.
 - c. Zoning classification and land use designation on the future land use map of the TDR sending area and the TDR receiving area.
 - d. Number of and type of development rights transferred to or from the TDR sending area from the TDR receiving area.
 - e. Date of approval of the application for transfer of development rights.
 - f. Book and page number and date the Deed of Transfer of Development Rights; and
 - g. Date of development order for the TDR receiving area utilizing the transferred development rights.
3. The Municipal Development Department shall maintain a map identifying TDR sending areas that have transferred development rights as well as TDR receiving areas that acquired development rights.