

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 PLANNING AND DEVELOPMENT

**Chapter 108 PLANNING AND DEVELOPMENT** [11](#)

[ARTICLE I. - IN GENERAL](#)

[ARTICLE II. - DEVELOPMENT PLAN](#)

[ARTICLE III. - SITE PLAN](#)

[ARTICLE IV. - TRAFFIC IMPACTS](#)

[ARTICLE V. - OPEN SPACE, SCREENING AND BUFFERS](#)

[ARTICLE VI. - LANDSCAPING](#)

[ARTICLE VII. - OFF-STREET PARKING AND LOADING](#)

[ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT](#)

[ARTICLE IX. - UTILITIES](#)

[ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM](#)

[ARTICLE XI. - TRANSFER OF DEVELOPMENT RIGHTS](#)

---

FOOTNOTE(S):

---

--- (1) ---

**Cross reference**— Buildings and building regulations, ch. 14; environment, ch. 26; floods, ch. 34; planning and development, ch. 54; streets and sidewalks, ch. 62; utilities, ch. 74; waterways, ch. 82; development agreements, § 90-676 et seq.; historic preservation, ch. 102; planned redevelopment and development district, ch 107; resources protection, ch. 110; signs, ch. 114; subdivisions, ch. 118; zoning, ch. 122; mixed use planned redevelopment/development district, § 122-536 et seq.; historic planned redevelopment and development district (HPRD), § 122-986 et seq. [\(Back\)](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE I. IN GENERAL

**ARTICLE I. IN GENERAL**

[Sec. 108-1. Land use and soil compatibility.](#)

[Secs. 108-2—108-30. Reserved.](#)

**Sec. 108-1. Land use and soil compatibility.**

- (a) Land use activities, including their densities and intensities, shall be compatible with soil types. Soil on sites proposed for development shall have properties capable of supporting the proposed development.
- (b) If the future land use map or the official zoning map identifies a land use allowed within an incompatible soil type, a field study may be performed on the site by a professional hydrologist, registered engineer, soil scientist or other professional competent in delineating and evaluating actual soil types exhibited on the subject site. The city shall reserve the right to have such a field study verified by the local U.S. Soil Conservation Office or a comparable state agency and shall render a decision ensuring that the land use is compatible with the soil type.

(Ord. No. 97-10, § 1(3-11.6), 7-3-1997)

**Secs. 108-2—108-30. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. DEVELOPMENT PLAN

**ARTICLE II. DEVELOPMENT PLAN**

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - DEVELOPMENT REVIEW COMMITTEE](#)

[DIVISION 3. - APPLICABILITY AND FILING PROCEDURE](#)

[DIVISION 4. - RESERVED](#)

[DIVISION 5. - RESERVED](#)

[DIVISION 6. - REVIEW PROCESS](#)

[DIVISION 7. - REQUIRED INFORMATION](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Sec. 108-31. Intent.](#)

[Sec. 108-32. Reserved.](#)

[Secs. 108-33—108-60. Reserved.](#)

**Sec. 108-31. Intent.**

The intent of development plan review is to set forth uniform procedures, well-defined application processes and information requirements. The purpose is to ensure that:

- (1) Development of individual sites within the city is consistent with all applicable development standards;
- (2) Approval of such development will be based upon the provision and availability of adequate public facilities and services coincident with the impact of the development; and
- (3) Development is compatible and coordinated with existing and anticipated development within the immediate area surrounding the site.

(Ord. No. 97-10, § 1(4-18.1), 7-3-1997)

**Sec. 108-32. Reserved.**

**Editor's note—**

[Section 34](#) of Ord. No. 05-04, adopted Jan. 19, 2005, renumbered and revised [§ 108-32](#) as [§ 108-203](#). Former [§ 108-32](#) derived from Ord. No. 97-10, adopted July 3, 1997.

**Secs. 108-33—108-60. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 2. DEVELOPMENT REVIEW COMMITTEE

***DIVISION 2. DEVELOPMENT REVIEW COMMITTEE***

[Sec. 108-61. Established and membership.](#)

[Sec. 108-62. Officers and procedures.](#)

[Sec. 108-63. Powers and duties.](#)

[Sec. 108-64. General considerations.](#)

[Secs. 108-65—108-90. Reserved.](#)

**Sec. 108-61. Established and membership.**

- (a) The development review committee (DRC) is established which shall be composed of representatives from city departments responsible for reviewing land development proposals.
- (b) The purpose of the development review committee is to facilitate and coordinate technical comments by the city staff on development applications.
- (c) The development review committee shall be comprised of the following personnel and/or designated staff:
  - (1) City planner;
  - (2) Recreation director;
  - (3) Fire chief;
  - (4) Engineering services director;
  - (5) City engineer;
  - (6) Police chief;
  - (7) Building official;
  - (8) Landscape coordinator;
  - (9) HARC planner;
  - (10) Utilities director;
  - (11) ADA/bicycle-pedestrian coordinator, and
  - (12) Any other staff designated by the city manager.
- (d) In addition, the city manager may appoint additional members to serve on the development review committee.

(Ord. No. 97-10, § 1(4-18.6(A)), 7-3-1997; Ord. No. 02-26, § 1, 11-6-2002)

**Sec. 108-62. Officers and procedures.**

- (a) The chairperson of the development review committee shall be the city planner. The development review committee may elect a vice-chairperson from among its members. The city planner shall

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 2. DEVELOPMENT REVIEW COMMITTEE

appoint a secretary to the development review committee to keep a record of its findings and comments, which shall be a public record and shall be maintained in the office of the city planner.

- (b) Meetings of the development review committee shall be open to the public and shall be held at the call of the chairperson and/or at such times as the development review committee shall determine.
- (c) Members of the development review committee may meet or communicate with one another to resolve conflicting comments. The members may forward issues, questions and comments to each other or the entire committee.

(Ord. No. 97-10, § 1(4-18.6(B)), 7-3-1997; Ord. No. 02-26, § 2, 11-6-2002)

**Sec. 108-63. Powers and duties.**

The development review committee shall have the responsibility to review applications for annexation, subdivision, development plans, conditional uses, requests for vacation of rights-of-way or easements, planned development projects, developments of regional impact and other applications referred to the committee by the city planner or other members. In reviewing such applications, members of the development review committee shall provide individual comments on the project and respond to comments by other members; provided however that the development review committee shall not provide a formal recommendation. The committee's secretary shall transmit comments by the development review committee to the appropriate reviewing authority, including but not limited to the city commission and the planning board. The powers and duties of the development review committee shall include other responsibilities and authority as specifically set forth in the article and in [chapter 107](#) and [chapter 118](#).

(Ord. No. 97-10, § 1(4-18.6(C)), 7-3-1997; Ord. No. 02-26, § 3, 11-6-2002)

**Sec. 108-64. General considerations.**

The development review committee has the authority to consider the following in its comments:

- (1) Whether an application and/or a plan is consistent with applicable goals, objectives, policies, standards and proposals in the comprehensive plan.
- (2) Whether all public facilities and services necessary to serve the proposed use shall be available concurrent with the actual impact of the use in question.
- (3) Whether the established level of service of public facilities necessary to serve the development or phase thereof shall be adversely impacted by the proposed use or activity.
- (4) Whether the proposed development satisfies the development review criteria and other applicable requirements of the land development regulations.

(Ord. No. 97-10, § 1(4-18.6(D)), 7-3-1997; Ord. No. 02-26, § 4, 11-6-2002)

**Secs. 108-65—108-90. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 3. APPLICABILITY AND FILING PROCEDURE

***DIVISION 3. APPLICABILITY AND FILING PROCEDURE*** <sup>[2]</sup>

[Sec. 108-91. Scope; major and minor developments.](#)

[Sec. 108-92. Preapplication.](#)

[Sec. 108-93. Filing, application and fee.](#)

[Sec. 108-94. Review by staff.](#)

[Sec. 108-95. Performance guarantee.](#)

[Secs. 108-96—108-130. Reserved.](#)

**Sec. 108-91. Scope; major and minor developments.**

The following types of development shall require minor and major development plan approval.

A. *Within the Historic District:*

1. Minor development plan required for:
  - (a) Permanent residential and transient residential development: addition or reconstruction of three or four units.
  - (b) Nonresidential floor area: addition or reconstruction of 500 to 2,499 square feet of gross floor area.
  - (c) Commercial land use: addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 500 to 2,499 square feet.
2. Major development plan required for:
  - (a) Permanent residential and transient residential development: addition or reconstruction of five or more units.
  - (b) Nonresidential floor area: addition or reconstruction of equal to or greater than 2,500 square feet of gross floor area.
  - (c) Commercial land use: addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities equal to or greater than 2,500 square feet.
  - (d) Any development located within tidal waters extending 600 feet seaward of the corporate city limits.
  - (e) A port facility expansion proposed in the Truman Waterfront Parcel.

B. *Outside of the Historic District:*

1. Minor development plan required for:
  - (a) Permanent residential and transient residential development: addition or reconstruction of five to ten more units.
  - (b) Nonresidential floor area: addition or reconstruction of 1,000 to 4,999 square feet of gross floor area.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 3. APPLICABILITY AND FILING PROCEDURE

- (c) Commercial land use: addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 1,000 to 4,999 square feet.
2. Major development plan required for:
- (a) Permanent residential and transient residential development: addition or reconstruction of eleven or more units.
  - (b) Nonresidential floor area: addition or reconstruction of equal to or greater than 5,000 square feet of gross floor area.
  - (c) Commercial land use: addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities equal to or greater than 5,000 square feet.
  - (d) Any development located within tidal waters extending 600 feet seaward of the corporate city limits.
- C. *Modifications of development plan:*
1. *Administrative Modifications.* The following and similar modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner:
- (a) Reduction of building size;
  - (b) Reduction of impervious area;
  - (c) Expansion of landscaping; or
  - (d) A revision to enhance storm water management, landscaping, handicapped accessibility, and/or utilities.
2. *Minor Modifications.* The following and similar modifications must be approved by the city planner, city engineer and planning board chairperson and reported to the planning board at a regularly scheduled meeting:
- (a) Relocation of at least ten feet of pools, parking spaces, drives and driveways, or buildings from the location shown on the approved plan;
  - (b) Addition of parking spaces not to exceed 25 percent (including fractions thereof) of the total number of existing parking spaces or five spaces, whichever is the lesser amount, and no such additional parking shall consume the approved landscaped area;
  - (c) Attached or detached additions to buildings in the historic district that do not increase the floor area in excess of 500 square feet;
  - (d) Installation of utility system improvements including buildings not exceeding 200 square feet; or
  - (e) Any use, except single-family dwelling units and accessory structures thereto, or change in use resulting in less than 1,000 square feet of impervious surface area on the entire site.
3. *Major Modifications.* Modifications exceeding those to be treated as administrative or minor will be treated in the same manner as the original approval.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 3. APPLICABILITY AND FILING PROCEDURE

4. Changes to specific conditions required by the original approval shall require approval by the administrative body that originally approved the development and shall be noticed in accordance with division 2 of article VIII of [chapter 90](#)

D. *Administrative determination:*

1. For development not fitting within the categories set forth herein, the city planner shall determine the appropriate review process after considering similarity, complexity of the development, impacts on the demand for city services, and the potential for adverse impact(s) upon neighboring areas.
2. In applying the criteria set forth herein, all phases of the total project or development shall be considered. In determining the appropriate level of review, the city planner may aggregate previous development completed within two years of a new application.

(Ord. No. 05-04, § 22, 1-19-2005)

**Sec. 108-92. Preapplication.**

An optional nonbinding preapplication conference is encouraged for development plan review. The purpose of the preapplication conference is to provide potential applicants an opportunity to discuss conceptual development and determine applicable public policy and regulatory procedures.

(Ord. No. 05-04, § 23, 1-19-2005)

**Sec. 108-93. Filing, application and fee.**

An application for development plan approval shall be filed with the city's planning department in a form prescribed by the city planner. The fee schedule for development plan review shall be determined by resolution of the city commission.

(Ord. No. 05-04, § 24, 1-19-2005)

**Sec. 108-94. Review by staff.**

Each application for development plan approval shall be reviewed by the city planner and transmitted to the development review committee and other staff as may be designated by the city planner based upon the type of development proposed. The city planner shall review each application for compliance with land development regulations.

(Ord. No. 05-04, § 25, 1-19-2005)

**Sec. 108-95. Performance guarantee.**

A performance guarantee may be required from applicants as a condition of development plan approval if all required on- or off-site infrastructure improvements are not in place at the time of development plan approval. The performance guarantee shall be in the form of a performance bond or other instrument approved by the city commission. The performance guarantee shall be furnished and payable to the city in the sum of 125 percent of the total cost of the city engineer's estimates for extension of potable water distribution system components; sanitary sewer system components; street improvements, including acceleration and/or deceleration lanes, traffic control devices, markings, signage, and/or related street improvements; sidewalks, curbs, and/or gutters; stormwater management

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 3. APPLICABILITY AND FILING PROCEDURE

improvements; and/or other improvements required in the development plan approval. The terms of the performance guarantee may be modified by the city commission after considering recommendations of staff and the city attorney.

(Ord. No. 05-04, § 26, 1-19-2005)

**Secs. 108-96—108-130. Reserved.**

---

FOOTNOTE(S):

---

--- (2) ---

**Editor's note**— Ord. No. 05-04, adopted Jan. 19, 2005, repealed and/or amended §§ 108-91—108-101 to read as herein set out. Formerly §§ 108-91—108-101 pertained to the same subject matter and derived from Ord. No. 97-10, adopted July 3, 1997. ([Back](#))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 4. RESERVED

***DIVISION 4. RESERVED*** <sup>[3]</sup>

[Secs. 108-131—108-160. Reserved.](#)

**Secs. 108-131—108-160. Reserved.**

---

FOOTNOTE(S):

---

--- (3) ---

**Editor's note**— Ord. No. 05-04, adopted Jan. 19, 2005, repealed and/or renumbered and amended §§ 108-131—108-134. Former §§ 108-131—108-134 pertained to approval, disapproval and appeal process, and derived from Ord. No. 97-10, adopted July 3, 1997. Similar subject matter can now be found in §§ 108-201—108-203. ([Back](#))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 5. RESERVED

***DIVISION 5. RESERVED*** <sup>(4)</sup>

[Secs. 108-161—108-195. Reserved.](#)

**Secs. 108-161—108-195. Reserved.**

---

FOOTNOTE(S):

---

--- (4) ---

**Editor's note**— Ord. No. 05-04, adopted Jan. 19, 2005, repealed §§ 108-161—108-167 which pertained to review criteria, and derived from Ord. No. 97-10, adopted July 3, 1997. ([Back](#))

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 6. REVIEW PROCESS

***DIVISION 6. REVIEW PROCESS***

[Sec. 108-196. Review and action by planning board.](#)

[Sec. 108-197. Appeals of decisions of planning board directed to city commission.](#)

[Sec. 108-198. Review and action by city commission.](#)

[Sec. 108-199. Notification procedures.](#)

[Sec. 108-200. Special workshop and notification procedures for port expansion at the Truman Waterfront Parcel.](#)

[Sec. 108-201. Effects of approval.](#)

[Sec. 108-202. Timing of release of building permits.](#)

[Sec. 108-203. Expiration, transferability and extension.](#)

[Secs. 108-204—108-225. Reserved.](#)

**Sec. 108-196. Review and action by planning board.**

- (a) After reviewing a major development plan or a minor development plan for a property and staff recommendations therefor, the planning board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the land development regulations and the intent of the land development regulations and comprehensive plan. The planning board resolution shall provide written comments documenting any conditions of approval that the planning board finds necessary to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the land development regulations. If the development plan is recommended for disapproval, the planning board resolution shall specify in writing the reasons for recommending such denial. The planning board's decision on a major development plan or a minor development plan for a property in the historic district shall be advisory to the city commission. The decision on a minor development in the historic district shall be placed on the city commission's consent agenda for ratification.
- (b) The planning board's decision on a minor development outside the historic district shall be final unless appealed. The board may approve, approve with conditions or deny the application.

(Ord. No. 97-10, § 1(4-18.4(A)), 7-3-1997; Ord. No. 05-04, § 27, 1-19-2005)

**Sec. 108-197. Appeals of decisions of planning board directed to city commission.**

[Section 108-196\(b\)](#) provides for an appeal to the city commission from a decision of the planning board pertaining to a minor development plan for a property outside of the historic district. Any aggrieved person may appeal such decision by filing a written appeal pursuant to division 4 of article V of [chapter 90](#).

(Ord. No. 97-10, § 1(4-18.4(B)), 7-3-1997; Ord. No. 05-04, § 28, 1-19-2005)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 6. REVIEW PROCESS

**Sec. 108-198. Review and action by city commission.**

A development plan shall be reviewed by the city commission either in its final approval capacity or its appellate capacity, as provided in [section 108-196\(b\)](#). The city commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the land development regulations and based on the intent of the land development regulations and comprehensive plan. The city commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the land development regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the city commission disapproves a development plan, the reasons shall be stated in writing.

(Ord. No. 97-10, § 1(4-18.4(C)), 7-3-1997; Ord. No. 05-04, § 29, 1-19-2005)

**Sec. 108-199. Notification procedures.**

Prior to taking any action regarding development plan review, the planning board and the city commission, respectively, shall be required to notify the public in accordance with division 2 of article VIII of [chapter 90](#).

(Ord. No. 97-10, § 1(4-18.4(D)), 7-3-1997; Ord. No. 00-04, § 22, 2-1-2000; Ord. No. 05-04, § 30, 1-19-2005)

**Sec. 108-200. Special workshop and notification procedures for port expansion at the Truman Waterfront Parcel.**

Prior to initiating the development review process outlined in this article, a joint workshop will be held between the planning board and the port advisory board for the purposes of encouraging public discussion about the proposed expansion. The workshop will be chaired by the planning board chairperson, according to the following guidelines:

- (1) The meeting will be held in a workshop format designed to encourage public discussion and interaction. The applicant will be encouraged to provide responses to questions and explain aspects of the application during the workshop. Board members will also be encouraged to enter the discussion or provide information. A hearing format is discouraged.
- (2) A neutral facilitation process can be used at the discretion of the city planner.
- (3) At the end of the workshop, the following findings will be made by the members present from both boards: Is additional information necessary for the planning board and city commission to consider the plan? Is additional public workshop discussion needed to clarify the plan? The findings should not include recommendations for or against the project at this time. If additional discussion is needed, further workshops can be scheduled. Additional information can be provided either at future workshops, if they are scheduled, or as an amendment to the development plan.
- (4) The public workshop will be advertised in the local newspaper a minimum of ten days in advance of the meeting.

The development plan application, together with the record of the public workshop(s), and the recommendation of the planning board as required by [section 108-196](#), shall form the basis for the finding

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 6. REVIEW PROCESS

of the city commission that the proposal does or does not on balance, contribute to rather than detract from the quality of life for the residents of Key West.

(Ord. No. 99-18, § 2 (Exh. A(4-18.4(E))), 9-8-1999; Ord. No. 05-04, § 31, 1-19-2005)

**Sec. 108-201. Effects of approval.**

- (a) Upon the approval of a development plan, a building permit may be issued by the building official if construction plans have been found to meet all building code requirements. No building permit shall be issued until the building official has received demonstrated evidence that all conditions of development plan approval have been satisfied.
- (b) Development plan approval involving residential units shall be consistent with the city's building permit allocation system, referenced in division 3 of article X of this chapter. Vesting shall not occur until a building permit is issued.

(Ord. No. 05-04, § 32, 1-19-2005)

**Sec. 108-202. Timing of release of building permits.**

No permits shall be granted by the building official until the time for appeal to the city commission from a final decision of the planning board or a time for appeal to a court from a final decision of the city commission shall have expired. Notwithstanding, an applicant for a building permit may be granted such permit prior to the end of the appeal period, if the applicant signs an affidavit acknowledging that the applicant has been put on notice by the city that any construction undertaken prior to the end of the appeal period is undertaken at the applicant's risk, and such applicant shall hold the city harmless for any damage incurred if the terms of approval are altered or nullified by the city commission or the court.

(Ord. No. 05-04, § 33, 1-19-2005)

**Sec. 108-203. Expiration, transferability and extension.**

- (a) The development plan approval shall expire 12 months after final approval, if construction has not been started as evidenced by steady and continuous progress, including the pouring of footings by the termination date. Notwithstanding, if a phased schedule for construction is approved by the city as part of the development plan approval process, such schedule shall become the standard for determining development plan expiration. Where a building permit expires the city may require revisions to the development plan to achieve compliance with the most current land development regulation and other applicable laws and ordinances or address changed conditions, such as but not limited to traffic flows and neighboring land uses.
- (b) If the property receiving development plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the development plan approval shall be transferable. A development plan approval may be extended only one time for 12 months by a favorable vote by the body that granted the original approval, if the applicant submits a petition for such extension prior to the development plan's expiration and demonstrates reasonable cause for the extension. The burden of proof in justifying reasonable cause shall rest with the applicant. Subsequent extensions may be granted but shall be fully noticed in accordance with division 2 of article VIII of [chapter 90](#)

(Ord. No. 05-04, § 34, 1-19-2005)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 6. REVIEW PROCESS

**Secs. 108-204—108-225. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

***DIVISION 7. REQUIRED INFORMATION***

[Sec. 108-226. Scope.](#)

[Sec. 108-227. Title block.](#)

[Sec. 108-228. Identification of key persons.](#)

[Sec. 108-229. Project description.](#)

[Sec. 108-230. Other project information.](#)

[Sec. 108-231. Residential developments.](#)

[Sec. 108-232. Intergovernmental coordination.](#)

[Sec. 108-233. Concurrency facilities and other utilities or services.](#)

[Sec. 108-234. Appearance, design and compatibility.](#)

[Sec. 108-235. Site location and character of use.](#)

[Sec. 108-236. Appearance of site and structures.](#)

[Sec. 108-237. Site plan.](#)

[Sec. 108-238. Architectural drawings.](#)

[Sec. 108-239. Site amenities.](#)

[Sec. 108-240. Site survey.](#)

[Sec. 108-241. Soil survey.](#)

[Sec. 108-242. Environmentally sensitive areas.](#)

[Sec. 108-243. Land clearing, excavation and fill, tree protection, landscaping and irrigation plan.](#)

[Sec. 108-244. On-site and off-site parking and vehicular, bicycle, and pedestrian circulation.](#)

[Sec. 108-245. Housing.](#)

[Sec. 108-246. Economic resources.](#)

[Sec. 108-247. Special considerations.](#)

[Sec. 108-248. Construction management plan and inspection schedule.](#)

[Sec. 108-249. Truman Waterfront Port facilities.](#)

[Secs. 108-250—108-275. Reserved.](#)

**Sec. 108-226. Scope.**

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections [108-227](#) through [108-229](#), the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

(Ord. No. 97-10, § 1(4-18.5), 7-3-1997)

**Sec. 108-227. Title block.**

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

(Ord. No. 97-10, § 1(4-18.5(A)(1)), 7-3-1997)

**Sec. 108-228. Identification of key persons.**

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.
- (8) If the applicant is not the owner, the applicant must provide an original notarized statement from the current property owner authorizing representation of the specific development plan review application.

(Ord. No. 97-10, § 1(4-18.5(A)(2)), 7-3-1997; Ord. No. 05-04, § 35, 1-19-2005)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

**Sec. 108-229. Project description.**

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.
- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

(Ord. No. 97-10, § 1(4-18.5(A)(3)), 7-3-1997)

**Sec. 108-230. Other project information.**

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and siting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

(Ord. No. 97-10, § 1(4-18.5(A)(4)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

**Sec. 108-231. Residential developments.**

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
- (1) A breakdown of the proposed residential units by number of bedrooms;
  - (2) Tenure (i.e., owner-occupied or rental); and
  - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of [chapter 122](#) for information and legal instruments needed to satisfy the city's affordable housing requirements.

(Ord. No. 97-10, § 1(4-18.5(A)(5)), 7-3-1997)

**Sec. 108-232. Intergovernmental coordination.**

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies, that will be involved in the project:
  - a. South Florida Regional Planning Council (SFRPC).
  - b. City electric system (CES).
  - c. State department of environmental protection (DEP).
  - d. Army Corps of Engineers (ACOE).
  - e. South Florida Water Management District (SFWMD).
  - f. State department of transportation (DOT).
  - g. State department of community affairs (DCA).
  - h. Florida Keys Aqueduct Authority (FKAA).
  - i. State fish and wildlife conservation commission (F&GC).
  - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

(Ord. No. 97-10, § 1(4-18.5(A)(6)), 7-3-1997)

**Sec. 108-233. Concurrency facilities and other utilities or services.**

Development plans shall satisfy concurrency management regulations cited in [chapter 94](#). This component of the plan shall identify demands on concurrency facilities generated by the proposed development and identify how the demands shall be accommodated through improvements. The development plan shall also list the utility providers currently serving the site together with a description of the existing infrastructure serving the site. Include the location, design and character of all concurrency

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

facilities and other utilities, such as underground or overhead electric lines, gas transmission lines, or other similar facilities or services, on the development plan. Concurrency facilities shall include the following:

- (1) *Potable water supply.*
  - a. Identify projected average daily potable water demands at the end of each development phase and specify the consumption rates which have been assumed for the projection.
  - b. Provide proof of coordination with the Florida Key Aqueduct Authority. Assess the present and projected capacity of the water supply system and the ability of such system to provide adequate water for the proposed development.
  - c. Describe measures taken to ensure the water pressure and flow will be adequate for fire protection for the type of construction proposed.
  - d. Denote both planned system improvements required to establish and/or maintain adopted level of service and proposed funding resources to provide these improvements.
- (2) *Wastewater management.*
  - a. Provide projection of the average daily flows of wastewater generated by the development at the end of each development phase. Describe proposed treatment system, method and degree of treatment, quality of effluent, and location of effluent and sludge disposal areas. Identify method and responsibilities for operation and maintenance of facilities.
  - b. If public facilities are to be utilized, provide proof of coordination with the city public service department. Assess the present and projected capacity of the treatment and transmission facilities.
  - c. If applicable, provide a description of the volume and characteristics of any industrial or other effluent.
  - d. Denote both planned system improvements required to establish and/or maintain adopted level of service and proposed funding resources to provide these improvements.
- (3) *Water quality.* Discuss disposal areas, septic tank drainfield, urban runoff area impervious surfaces, and construction-related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of potential pollution sources upon the quality of the receiving waters prior to, during and after construction.
  - a. Identify any wastewater disposal areas, septic tank drainfield, urban runoff area impervious surfaces, and construction-related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of these potential pollution sources upon the quality of the receiving waters prior to, during and after construction.
  - b. Describe plans for revegetation and landscaping of cleared sites including a completion schedule for such work.
- (4) *Stormwater management.* A stormwater management plan for the site shall be provided, including:
  - a. Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in a manner approximating the natural runoff regime;
  - b. Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration; and

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

- c. Evidence that the proposed drainage improvements shall accommodate stormwater runoff without adversely impacting natural systems or the city's adopted level of service for drainage.
- (5) *Solid waste.* Identify projected average daily volumes of solid waste generated by the development at the end of each phase. Indicate proposed methods of treatment and disposal. Provide proof of coordination with the city technical service department. Assess the present and projected capacity of the solid waste treatment and disposal system and the ability of such facilities to provide adequate service to the proposed development.
- (6) *Roadways.* Provide a projection of the expected vehicle trip generation at the completion of each development phase. Describe in terms of external trip generation and average daily as well as peak hour traffic. Evaluate the capacity of the existing roadway network serving the development. Provide recommendations for any required improvements to the existing network required by the proposed development including additional right-of-way, roadway improvements, additional paved lanes, traffic signalization, access and egress controls, and other similar improvements.
- (7) *Recreation.* Identify projected demand generated by the development and cite land and facility improvements provided to ensure the city's level of service is not adversely impacted.
- (8) *Fire protection.* Identify existing and proposed hydrant locations in relationship to buildings and other fire protection systems. The applicant may be required by the fire department to provide fire wells to augment the available water supply.
- (9) *Reclaimed water system.* Include the amount of any reclaimed water to be utilized and the method of application on the site.
- (10) *Other public facilities.* Discuss provisions included in the proposed development to minimize adverse effects upon the following facilities: educational, police, fire protection, recreational, electric power, health care and disaster preparedness. Include map of the service areas of all existing and proposed public facilities, such as sewage, water supplies, fire protection, health care, which serve the site, and a map of the highway and transportation network map of the site and surrounding area. A letter of coordination with the city electric system (CES) shall be included in the development plan.

(Ord. No. 97-10, § 1(4-18.5(B)), 7-3-1997)

**Cross reference**— Utilities, ch. 74; concurrency management, ch. 94.

**Sec. 108-234. Appearance, design and compatibility.**

The development plan shall satisfy criteria established in [chapter 102](#); articles III, IV and V of this chapter; [section 108-956](#); and article II of [chapter 110](#).

(Ord. No. 97-10, § 1(4-18.5(C)), 7-3-1997)

**Sec. 108-235. Site location and character of use.**

- (a) *Compliance.* The development plan submitted for review should be in compliance with all applicable performance criteria set forth in [chapter 94](#), [chapter 102](#), [chapter 106](#), articles I and III through IX of this chapter, [chapter 110](#) and [chapter 114](#)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

- (b) *Vicinity map.* A vicinity map shall be provided with the project's location noted together with a general written description of the proposed development. Show the relationship of site to surrounding streets and public facilities at a scale of approximately one inch to 200 feet.
- (c) *Land use compatibility.* Adjacent land uses shall be identified including current zoning designation, conditional uses and/or special districts within 50 feet of the boundaries for a minor development, and 100 feet of the boundaries for a major development. If applicable, assess the impact of the proposed development upon the unincorporated part of the county.
- (d) *Historic and archeological resource protection.* A review of the project's impact on archaeological and historic resources shall be included. In addition to compliance with development plan review procedures of this article, developments within the historic district shall be consistent with the U.S. Secretary of the Interior's Standards for Rehabilitation and the city's historic architectural review commission's (HARC) Design Guidelines in Key West's Historic District, as provided in [chapter 102](#). Include the written record of the historic architectural review commission's review of the project's impacts in the development plan.
- (e) *Subdivision of land.* Any subdivision of land shall comply with [section 108-1](#) and [chapter 118](#) pertaining to subdivisions.

(Ord. No. 97-10, § 1(4-18.5(C)(1)), 7-3-1997)

**Sec. 108-236. Appearance of site and structures.**

The applicant for development plan approval shall submit a development plan that exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in sections [108-278](#) through [108-288](#).

(Ord. No. 97-10, § 1(4-18.5(C)(2)), 7-3-1997)

**Sec. 108-237. Site plan.**

Development plans shall be drawn at a scale of one inch to 100 feet or larger. The maximum sheet size for development plans shall not exceed 24 inches by 36 inches. Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required. Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes. The development plan shall address the following issues:

- (1) Existing, where appropriate, and proposed building layout.
- (2) Lot configuration.
- (3) Finished floor elevations.
- (4) Proposed topographic contours showing proposed drainage patterns and stormwater retention measures.
- (5) Building coverage/open space ratio for the proposed development.
- (6) Size and dimensions in compliance with zoning district regulations.
- (7) Type, quantity and density of dwelling units.
- (8) Floor area ratios.

(Ord. No. 97-10, § 1(4-18.5(C)(2)(a)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

**Sec. 108-238. Architectural drawings.**

All architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Drawings submitted for development plan approval shall include the following minimum information:

- (1) A scaled drawing of the side, front and rear facades of the building or structure, including roof pitch, fenestration including treatment of roofline, windows, and doors.
- (2) Description of materials to be used.
- (3) Generalized floor plan indicating uses and square footage of each proposed use within each building or structure, building exterior construction material, and building height.
- (4) Location, height and general character of perimeter or ornamental walls, fences, landscaping, including berms and other required screening devices and other plans for protecting adjacent property owners.

(Ord. No. 97-10, § 1(4-18.5(C)(2)(b)), 7-3-1997)

**Sec. 108-239. Site amenities.**

- (a) *Generally.* The site plan shall include amenities required to comply with appearance, design and compatibility regulations outlined in [chapter 102](#); articles III, IV and V of this chapter; [section 108-956](#); and article II of [chapter 110](#)
- (b) *Existing.* All existing site amenities (i.e., signs, lighting fixtures, water features, etc.) shall be indicated as to location, character, color, and dimension.
- (c) *Proposed.* State the location, size, character, color, height and design of all newly proposed site amenities in the form of working drawings and/or photographs.

(Ord. No. 97-10, § 1(4-18.5(C)(2)(c)), 7-3-1997)

**Sec. 108-240. Site survey.**

A site survey prepared by a certified land surveyor shall be included in the development plan illustrating the following:

- (1) *Existing conditions.*
  - a. A site survey at a scale of 100 feet to one inch showing topographic contours at five-foot intervals and extending 25 feet beyond the property boundaries.
  - b. High water elevation or boundaries of coastal shoreline and/or other waterbodies and canals, both on site and within 50 feet of the site.
  - c. Existing surface drainage characteristics of site including relationship to adjacent land areas. The site survey shall include all existing structures. Any existing structures on site which do not comply with Federal Emergency Management Agency (FEMA) flood hazard regulations shall be identified on the survey.
  - d. Federal Emergency Management Agency (FEMA) flood hazard zone or limits of the 100-year flood.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

- e. Boundaries of environmentally sensitive areas, including an environmental survey and audit as needed. Management plans must be submitted and approved by state and/or federal regulatory agencies for areas recognized as a habitat for species listed by the state fish and wildlife commission as endangered, threatened, or species of special concern.
- (2) *Proposed development.* The city shall require plans prepared by a state-registered engineer and other competent professionals as may be required which shall demonstrate compliance with the city's stormwater management performance criteria in article VIII of this chapter. In addition, the plans for land excavation or fill shall demonstrate that the proposed site alterations shall include mitigation techniques designed to comply with performance criteria addressed in article VIII of this chapter.

(Ord. No. 97-10, § 1(4-18.5(C)(3)), 7-3-1997)

**Sec. 108-241. Soil survey.**

The soil survey for the development plan shall be as identified in the soil survey for the county, U.S.D.A. Soil Conservation Service or other competent expert evaluation. When soil suitability limitations are indicated for the proposed development, the city engineer may require a preliminary soil analysis by a qualified soils engineer. The development plan shall comply with environmental protection criteria in [section 108-1](#) and articles III, IV, V, VII and VIII of [chapter 110](#).

(Ord. No. 97-10, § 1(4-18.5(C)(4)), 7-3-1997)

**Sec. 108-242. Environmentally sensitive areas.**

Using maps from the comprehensive plan, future land use map series (FLUM), the development plan shall indicate whether or not the parcel is located within a floodplain, floodway or drainageway, wetland, open water, upland wildlife habitat, or coastal high hazard area. Site specific surveys may be required.

- (1) *Proposed impact.* Illustrate how any activity or structure that will impact environmentally sensitive areas will be performed, located, constructed and/or maintained to prevent or mitigate any adverse impacts to wetland and endangered upland vegetative communities, wildlife habitats, floodplain, and other environmentally sensitive areas.
- (2) *Shoreline protection.* If the project fronts a shoreline, indicate measures to allow public access to the shoreline, such as easements or rights-of-way, and illustrate any structure that may impede movement along the shoreline below the mean high water line, and demonstrate measures being taken to mitigate any such impediment. The development plans shall comply with applicable sections of article IV of [chapter 110](#) and [section 122-1186](#)
- (3) *General requirement.* If environmentally sensitive areas are found in or adjacent to the site, the following information is necessary:
  - a. *Existing conditions.* Developers shall provide an existing vegetation map identifying boundaries of environmentally sensitive areas and indicating alterations in these areas including dredging, filling, spoil sites, canals and channels.
  - b. *Preservation.* Developers shall preserve the functions of these environmentally sensitive areas and shall comply with restrictions and interpretations for development in wetlands found in [section 108-1](#) and articles III, IV, V, VII and VIII of [chapter 110](#). Management plans must be submitted and approved by state and/or federal regulatory agencies for areas recognized as a habitat for species listed by the state fish and wildlife commission as endangered, threatened, or species of special concern.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

(Ord. No. 97-10, § 1(4-18.5(D)), 7-3-1997)

**Sec. 108-243. Land clearing, excavation and fill, tree protection, landscaping and irrigation plan.**

- (a) *Land clearing, excavation and fill.* The development plan and all development activity shall comply with [section 108-289](#). The development plan shall include a statement of procedures which the developer shall carry out in order to ensure compliance with all applicable performance criteria in [section 108-1](#) and articles III, IV, V, VII and VIII of [chapter 110](#) governing the following:
- (1) Native habitat preservation as provided in sections [110-86](#) through [110-91](#) and articles IV and V of [chapter 110](#)
  - (2) Soil erosion control and sedimentation as provided in division 3 of article III of [chapter 110](#)
  - (3) Freshwater lens protection as provided in [section 110-151](#)
  - (4) Flood damage prevention as provided in article VII of [chapter 110](#); and
  - (5) Protection of native vegetation as provided in article V of [chapter 110](#)
- (b) *Tree protection.* The development plan shall satisfy performance criteria of article VI of [chapter 110](#). The plan shall indicate location, size and type of existing trees as required, including all proposed tree removals requiring a tree removal permit pursuant to sections [110-321](#) through [110-336](#). The plan shall also identify existing trees to be protected and shall explain or illustrate the method to preserve such trees during and after construction.
- (c) *Landscaping plan.* The development plan shall satisfy the performance criteria of article VI of this chapter as well as the open space and land use screening requirements of article V of this chapter. The landscaping plan shall include a scaled working drawing indicating planting specifications for landscaping, buffers, open spaces, recreation areas and other required landscaped areas which shall comply with those performance criteria included in article VI of this chapter. The plan shall also show any environmentally sensitive areas and preservation areas, as well as those areas involving aquatic plantings.
- (d) *Irrigation plan.* The development plan shall satisfy the performance criteria of [section 108-515](#) and article VIII of [chapter 110](#). The irrigation plan shall be prepared by a registered landscape architect, engineer or an irrigation contractor working under the supervision of a registered landscape architect or engineer and shall utilize the current techniques emphasizing design efficiency and water conservation, as well as public health, safety, and welfare as discussed in article VI of this chapter. The minimum requirements for plan approval shall include the following:
- (1) Location and specifications for irrigation equipment;
  - (2) Design which promotes water conservation and efficient relationship of plant types to water demanded; and
  - (3) Source of water for irrigation system.

(Ord. No. 97-10, § 1(4-18.5(E)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

**Sec. 108-244. On-site and off-site parking and vehicular, bicycle, and pedestrian circulation.**

Development plans shall satisfy on- and off-site vehicular and bicycle circulation, and parking requirements of articles IV and VII of this chapter. Development plans shall include location, dimensions and typical construction specifications for:

- (1) Existing and proposed driveways, approaches and curb cuts;
- (2) Vehicular access points, accessways and common multimodal access points with pavement markings or other improvements to achieve safe internal circulation without conflict among modes of travel;
- (3) Existing and proposed vehicle and bicycle off-street parking spaces, loading, unloading and service area space requirements:
  - a. Number of employees and number and type of vehicles owned by the establishment; and
  - b. Any combined off-street parking facilities shall be submitted with an agreement specifying the nature of the arrangement, its anticipated duration, and signatures of all concerned property owners;
- (4) Other vehicular use areas;
- (5) Bicycle ways as well as pedestrian ways and other pedestrian use areas;
- (6) Typical cross sections, by type of improvement;
- (7) Traffic control devices;
- (8) Proposed parking surface material, pavement markings, and other related improvements; and
- (9) Dedicated easements including cross easements, indicating their purpose, design, location, alignment, dimensions, and maintenance responsibilities.

(Ord. No. 97-10, § 1(4-18.5(F)), 7-3-1997)

**Cross reference—** Parking, stopping and standing, § 70-116 et seq.

**Sec. 108-245. Housing.**

- (a) If the development project includes residential development, a breakdown of the proposed residential units by price or rental range and type of unit shall be provided, such as single-family, duplex, townhouse, mobile home.
- (b) If lots are to be sold without constructed dwelling units, the number and percentage of such lots and the extent of improvements to be made prior to sale shall be indicated.
- (c) The potential of the proposed development to meet local or regional housing needs shall be assessed. In particular, any measures taken to provide low and moderate income housing shall be indicated.
- (d) Hurricane evacuation considerations which acknowledge the current evacuation and emergency operations plans, how project residents will be informed about these plans, and any developer responsibilities identified in such plans shall be described.

(Ord. No. 97-10, § 1(4-18.5(G)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

**Cross reference**— Fair housing, § 38-26 et seq.

**Sec. 108-246. Economic resources.**

- (a) An analysis of the estimated average ad valorem tax yield from the proposed project during each phase of development shall be provided. Assumptions and standards utilized including but not limited to assessed value, exemption and millage rate shall be indicated.
- (b) For each development phase, the average annual construction expenditure by type (labor, materials) and the percentage of this expenditure which will occur within the city shall be estimated.
- (c) For nonresidential developments, the number of permanent employees using appropriate standard industry classifications shall be projected.

(Ord. No. 97-10, § 1(4-18.5(H)), 7-3-1997)

**Sec. 108-247. Special considerations.**

- (a) The relationship of the proposed development to city land use plans, objectives and policies shall be described. Also, the relationship to existing or proposed public facilities plans, such as wastewater treatment and transportation shall be indicated and any conflicts identified.
- (b) Any relationship of the project to special zoning districts, such as airport noise and hazard zones, solid or liquid waste treatment or disposal areas, shall be indicated.
- (c) If applicable, the proposed development's impact on the unincorporated portion of the county shall be assessed.
- (d) If the project fronts a shoreline, measures to allow public access to the shoreline, such as easements or rights-of-way, shall be indicated, and any structure that may impede movement along the shoreline below the mean high water line shall be illustrated, and measures being taken to mitigate any such impediment shall be demonstrated.
- (e) Any special facilities that will be provided to accommodate bus ridership (i.e., bus stop, bus access lane, or other similar facilities) shall be indicated.
- (f) Any special design features that will be utilized to reduce energy consumption shall be described. Further, any measures that will be taken to utilize solar energy or other alternative energy sources shall be described.
- (g) If the building is to be elevated, the uses for the area between the bottom floor and the grade shall be indicated by square footage.
- (h) The size and nature of private and public recreation facilities provided on the site shall be indicated.
- (i) Proof of coordination with applicable local, regional, state and federal agencies, including the state department of environmental protection and the army corps of engineers, that will be involved in the project shall be provided.
- (j) Evidence that any necessary permit, lease or other permission from the state department of environmental protection has been obtained for any activity that will impact wetland communities or submerged land shall be provided.

(Ord. No. 97-10, § 1(4-18.5(I)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

**Sec. 108-248. Construction management plan and inspection schedule.**

When the proposed development contains two or more phases and/or the project's proposed construction schedule is anticipated to exceed a period of one year, the applicant shall be required to submit a construction management plan and inspection schedule as part of the development plan.

- (1) *Content of construction management plan and inspection schedule.* The construction management plan shall specify the following:
  - a. The timing and phasing of construction activities, including specific benchmarks for the completion of structures accommodating the principal use.
  - b. A schedule of inspections which complies with the city's adopted building codes, including a program of improvements anticipated to be completed prior to each scheduled inspection.
  - c. The building permit shall not be valid for a period exceeding two years, and no single phase of development shall extend for a period longer than two years.
  - d. The schedule shall acknowledge in writing that a new building permit must be obtained whenever:
    1. Construction is not commenced within 90 days from the time the permit was released;
    2. Construction activity is dormant for a period of six months or more;
    3. The developer fails to call for and achieve approved inspections within planned 120-day intervals as shall be evidenced in the construction schedule; and
    4. A new phase of a phased development is commenced.
  - e. The applicant shall acknowledge in writing that the applicant shall bear the burden of demonstrating that the construction activity is consistent with the development plan and has occurred in a timely manner consistent with the approved construction management plan and inspection schedule. The applicant shall further acknowledge that, upon failure to meet the inspection schedule, the building permit shall expire. A new building permit shall be required in order to undertake construction activity on a site where a building permit has expired.
- (2) *Timing of adjustments to construction management plan and schedule.* A building permit holder shall bear the burden of keeping a construction management plan current. Any event which may cause a delay in the permittee's compliance with the terms of a construction management plan and schedule shall be brought to the attention of the chief building official. The burden shall be on the applicant to successfully negotiate and effectuate an adjustment to the construction management plan and schedule prior to a lapse in any scheduled inspection. Such lapse shall be defined as a failure to complete improvements consistent with the agreed upon construction and inspection schedule.

(Ord. No. 97-10, § 1(4-18.5(J)), 7-3-1997)

**Sec. 108-249. Truman Waterfront Port facilities.**

Applications for new port facilities or expansions to existing port facilities at the Truman Waterfront Port shall address the following questions:

- (1) How will the project positively or negatively impact the areas targeted for redevelopment in the community, the community as a whole, and residents on a per capita basis?

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE II. - DEVELOPMENT PLAN

DIVISION 7. REQUIRED INFORMATION

- (2) What specific positive or negative impacts to the quality of life in the community will result from this project? Specific areas of concern include: increased demand for housing, particularly affordable housing, jobs and job training programs, economic diversity, environmentally sensitive resources, public amenities including recreation and waterfront access, and transportation and traffic.
- (3) A description of the type of port facility, including proposed number of berths, whether the port use includes passenger ferries, cruise ship or marina-type uses.

(Ord. No. 99-18, § 2 (Exh. A(4-18.5(K))), 9-8-1999; Ord. No. 00-14, § 1 (Exh. A), 7-5-2000)

**Secs. 108-250—108-275. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE III. SITE PLAN

**ARTICLE III. SITE PLAN**

[Sec. 108-276. Scope.](#)

[Sec. 108-277. Site location and character of use.](#)

[Sec. 108-278. Appearance of site and structures.](#)

[Sec. 108-279. Location and screening of mechanical equipment, utility hardware and waste storage areas.](#)

[Sec. 108-280. Front-end loaded refuse container location requirements.](#)

[Sec. 108-281. Roll-off compactor container location requirements.](#)

[Sec. 108-282. Utility lines.](#)

[Sec. 108-283. Commercial and manufacturing activities conducted in enclosed buildings.](#)

[Sec. 108-284. Exterior lighting.](#)

[Sec. 108-285. Signs.](#)

[Sec. 108-286. Pedestrian sidewalks.](#)

[Sec. 108-287. Loading docks.](#)

[Sec. 108-288. Storage areas.](#)

[Sec. 108-289. Land clearing, excavation or fill.](#)

[Secs. 108-290—108-315. Reserved.](#)

**Sec. 108-276. Scope.**

The city shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the land development regulations.

(Ord. No. 97-10, § 1(art. X), 7-3-1997)

**Sec. 108-277. Site location and character of use.**

The comprehensive plan together with the land development regulations, including size and dimension regulations, general provisions, performance criteria, and the list of permitted and conditional uses, off-street parking, landscaping, required open spaces, yards and building setbacks shall collectively be the principal guides in determining the suitability of the location of the proposed use.

(Ord. No. 97-10, § 1(3-10.1), 7-3-1997)

**Sec. 108-278. Appearance of site and structures.**

Within all zoning districts within the city, the appearance of a site and structures shall be coordinated for the purpose of creating a pleasing and harmonious overall environment. The choice of building materials, plant materials, lighting and other building and site improvements shall be commensurate with the objectives of the subject use and considering impact on surrounding properties or transportation

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE III. SITE PLAN

corridors. Evaluation of the appearance of a project shall also consider the factors in sections [108-279](#) through [108-288](#).

(Ord. No. 97-10, § 1(3-10.2), 7-3-1997)

**Sec. 108-279. Location and screening of mechanical equipment, utility hardware and waste storage areas.**

Mechanical equipment or other utility hardware on roofs shall be harmonious with the building or they shall be located and/or screened so as not to be visible from any public ways within the impacted area. All refuse and waste storage areas shall be screened from adjacent properties and public ways by appropriate fences, walls or landscaping. Front-end loaded refuse containers shall also be required to be screened by vegetation or structural means to shield an unsightly condition.

(Ord. No. 97-10, § 1(3-10.2(A)), 7-3-1997)

**Sec. 108-280. Front-end loaded refuse container location requirements.**

- (a) *Generally.* No front-end loaded refuse container shall be located in any required parking space or vehicular use area or in any required bufferyard or landscaping area.
- (b) *Service access.* Front-end loaded refuse container sites shall be provided which allow refuse vehicle service access without manually moving the container of service. Fifty feet of clear backup, as measured perpendicular from the screen areas, shall be provided from the face of the refuse container's screening unless otherwise approved by the historic preservation planner who shall find that the reduction is necessary to provide property rights enjoyed by others in the same zoning district and will not be detrimental to public health, safety, and welfare. No encroachment into this area by parking spaces, nondriveway sidewalks, or landscape areas shall be allowed.
- (c) *Siting obstructions.* A front-end loaded refuse container shall not:
  - (1) Be sited within six feet of any building or structure;
  - (2) Be sited below obstructing wires;
  - (3) Obstruct any electrical service equipment, fire protection equipment, or roof overhangs; or
  - (4) Be sited adjacent to any other obstruction to the container dumping process.
- (d) *Container pads.* Front-end loaded refuse container pads shall be provided for all front-end loaded containers and shall, as a minimum, be constructed either of 3,000 psi concrete six inches thick with six-inch by six-inch to ten-inch by ten-inch wire mesh, four inches thick, with number 3 steel reinforcing bars on 12 inch centers in each direction or as approved by the administrative official who shall find that the reduction is necessary to provide property rights enjoyed by others in the same zoning district and will not be detrimental to public health, safety, and welfare. A six-foot-long approach slab of identical width, thickness, and composition to the container pad shall also be constructed adjacent and of equal slope to the pad.
- (e) *Screening requirements.* Front-end loaded refuse containers shall be opaquely screened from view from public streets and adjacent properties, to a height of at least six feet or six inches higher than the height of the container, whichever is higher. This screening may be achieved by walls, landscaping or bufferyards, or by virtue of the location of the container on the building site.

(Ord. No. 97-10, § 1(3-10.2(B)(1)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE III. SITE PLAN

**Sec. 108-281. Roll-off compactor container location requirements.**

- (a) *Container pads.* Roll-off compactor container pads shall be provided for all roll-off compactor containers and shall be constructed of minimum 3,000 psi concrete, steel reinforced, six inches thick, and shall comply with the following minimal dimension requirements for each container: ten feet wide by 20 feet long.
- (b) *Service access.* A paved service vehicle access apron, constructed to a minimum load of 60,000 pounds and extending a minimum of 45 feet in front of each roll-off compactor container is required. Service height clearance of 25 feet is required in the container service access area.
- (c) *Electrical requirements.* The industry recommendations for roll-off compactor electrical requirements are three phase, 460—480 volt, 60 amp electrical service to each compactor location. Other electrical requirements may be approved by the administrative official.

(Ord. No. 97-10, § 1(3-10.2(B)(2)), 7-3-1997)

**Sec. 108-282. Utility lines.**

In new construction, all utility lines shall be placed underground. All telephone lines shall be placed underground. Service lateral electrical distribution lines serving individual installations shall be placed underground. Other high voltage electrical lines may be placed underground or on concrete poles provided that the poles are within the street right-of-way and have provisions for street lighting. Large transformers shall be placed on the ground and shall be mounted on pads and contained within enclosures or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with primary building design. Landscaping with shrubs and plants shall be provided to screen pad-mounted transformers.

(Ord. No. 97-10, § 1(3-10.2(B)(3)), 7-3-1997)

**Cross reference—** Utilities, ch. 74.

**Sec. 108-283. Commercial and manufacturing activities conducted in enclosed buildings.**

All businesses, services or manufacturing or processing shall be conducted within completely enclosed buildings, excepting activities duly permitted by the city such as mobile vendors, activities at Mallory Dock, entertainment, vehicle rentals, flea markets, and merchandise displays permitted under division 2 of article II of [chapter 106](#) and sections [114-2](#) through [114-5](#). If the city determines that a demonstrated necessity exists for limited outside storage due to the impracticality and unreasonableness of enclosure of such goods, the goods shall be effectively screened by a 95-percent or greater opaque wall, fence or planting so that the activity will not be visible from a public way, unless the screening is demonstrated by the applicant to the city's satisfaction to be impractical and unreasonable. Notwithstanding, the city commission shall render decisions on major developments as defined in article II of this chapter.

(Ord. No. 97-10, § 1(3-10.2(B)(4)), 7-3-1997)

**Sec. 108-284. Exterior lighting.**

Light sources shall be shielded and arranged to eliminate glare from roadways and streets and shall be directed away from properties lying outside the district. Shielding of lighting elements shall be

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE III. SITE PLAN

accomplished by using an opaque shade to direct the light. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways.

(Ord. No. 97-10, § 1(3-10.2(B)(5)), 7-3-1997)

**Sec. 108-285. Signs.**

Signs shall be required to be harmonious with the urban design theme of the project and shall be aesthetically pleasing and reinforcing good principles and practices of streetscape design.

(Ord. No. 97-10, § 1(3-10.2(B)(6)), 7-3-1997)

**Cross reference**— Signs, ch. 114.

**Sec. 108-286. Pedestrian sidewalks.**

Sidewalks shall be constructed to link major activity centers and shall also link vehicle use areas including parking areas with all principal buildings. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic.

(Ord. No. 97-10, § 1(3-10.2(B)(7)), 7-3-1997)

**Cross reference**— Streets and sidewalks, ch. 62.

**Sec. 108-287. Loading docks.**

- (a) When loading docks are required, they shall be located at the side or rear of the principal structure being served. Similarly, parking for trucks and all other company-owned or company-controlled vehicles shall be located at the rear of the principal structure. Provisions for locating loading docks may be modified by the city planner after coordinating with the design review committee if the size and shape of the property is insufficient or inadequate to reasonably accommodate the stated size and dimension criteria.
- (b) No loading dock shall be permitted within 100 feet of any residentially zoned property or within 40 feet of any property line adjacent to a nonresidential zoning district.

(Ord. No. 97-10, § 1(3-10.2(B)(8)), 7-3-1997)

**Sec. 108-288. Storage areas.**

Any proposed exterior storage areas shall be located at the rear of the principal structure. Such outside storage areas shall be enclosed by a solid wall with solid entrance and exit gates. The wall shall be a minimum of six feet and a maximum of eight feet in height, and in no case shall materials be stacked or stored so as to exceed the height of the wall. Storage areas shall be located only in side or rear yards. No motor vehicle which is inoperative shall be stored or used for storage on any lot or parcel in any PD or PRD district unless it is within a completely enclosed building.

(Ord. No. 97-10, § 1(3-10.2(B)(9)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE III. SITE PLAN

**Sec. 108-289. Land clearing, excavation or fill.**

- (a) Without prior development plan approval, no site work shall be undertaken which:
- (1) Impacts the 100-year floodplain or impacts a designated conservation area;
  - (2) Redirects and/or increases or reduces off-site natural drainage or runoff from a site; or
  - (3) Results in removal of vegetation.
- (b) The city shall require plans prepared by a state-registered engineer and other competent professionals as may be required which shall demonstrate compliance with the city's surface water management performance criteria in article VIII of this chapter. In addition, the plans for land excavation or fill shall demonstrate that the proposed site alterations shall include mitigation techniques designed to comply with performance criteria addressing the following:
- (1) Native habitat protection as provided in articles III, IV, V and VII of [chapter 110](#)
  - (2) Site reclamation, including restoration of vegetative cover within disturbed upland open space; planting and stabilizing banks of drainageways with vegetation which is tolerant to anticipated changes in water levels, including hydric conditions as provided in articles III, IV and VII of [chapter 110](#)
  - (3) Sedimentation and soil erosion control as provided in [section 108-1](#) and articles III, IV and VII of [chapter 110](#)
  - (4) Protection of aquifer recharge as provided in articles III, IV, VII and VIII of [chapter 110](#)
  - (5) Flood damage prevention as provided in articles III, IV and VII of [chapter 110](#); and
  - (6) Tree and native vegetation protection as provided in article VI of this chapter; and articles III, IV, V and VI of [chapter 110](#)
- (c) The city shall not permit commercial borrow pits or mining activities since there are no sites within the city appropriate for such use. Borrow pits and mining activities may cause adverse impacts to the city's natural coastal resources and/or adversely impact water quality, surface water management, and flood damage prevention.

(Ord. No. 97-10, § 1(3-10.6), 7-3-1997)

**Secs. 108-290—108-315. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE IV. TRAFFIC IMPACTS

**ARTICLE IV. TRAFFIC IMPACTS** <sup>[5]</sup>

[Sec. 108-316. Advice from planning board.](#)

[Sec. 108-317. Internal circulation system design and access/egress considerations.](#)

[Sec. 108-318. Separation of vehicles, bicycles and pedestrians.](#)

[Sec. 108-319. Driveway and curb cut approvals.](#)

[Secs. 108-320—108-345. Reserved.](#)

**Sec. 108-316. Advice from planning board.**

The planning board and/or designated staff shall advise on matters related to this article.

(Ord. No. 97-10, § 1(3-10.5), 7-3-1997)

**Sec. 108-317. Internal circulation system design and access/egress considerations.**

- (a) Driveways, curb cuts, aisles, bicycle ways, pedestrian ways, and areas for parking and internal circulation of vehicles, bicycles, and pedestrians shall be located, designed and controlled so as to provide for safe and convenient circulation within the site and safe and convenient access from and onto adjoining streets. The city staff shall review such design considerations based on standard traffic engineering principles and practices, and such specifications as may be adopted by resolution of the city commission. Requirements of article VII of this chapter shall be applied for off-street parking.
- (b) Among factors to be considered shall be the following:
  - (1) The need for acceleration and deceleration lanes;
  - (2) The number, location and size of curb cuts, access drives, bicycle ways and pedestrian ways from adjacent streets, bicycle ways and pedestrian ways together with any special markings necessary to avoid conflict among vehicles, bicycles, and pedestrians;
  - (3) The location and design of driveways, access aisles, and bicycle ways to parking spaces;
  - (4) The arrangement, delineation and marking for parking areas; and
  - (5) The means of access to buildings for firefighting apparatus and other emergency vehicles.

(Ord. No. 97-10, § 1(3-10.5(A)), 7-3-1997)

**Sec. 108-318. Separation of vehicles, bicycles and pedestrians.**

Parking areas, driveways, bicycle ways and pedestrian ways shall be clearly identified, designed, and marked, where appropriate, to achieve safe and convenient circulation for motorized vehicles, bicyclists and pedestrians. Motorized traffic should be separated from principal bicycle ways, pedestrian routes and recreation areas by curbs, pavement markings, planting areas, fences or similar features designed to promote vehicle, bicycle and pedestrian safety.

(Ord. No. 97-10, § 1(3-10.5(B)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE IV. TRAFFIC IMPACTS

**Sec. 108-319. Driveway and curb cut approvals.**

The city shall require that the proposed location of driveways and curb cuts be coordinated with utility companies responsible for providing utility services in order to ensure that proposed construction activities are consistent with improvement plans as well as operation and maintenance activities and policies of utility service providers. No development plan or building permit shall be issued until proof of such coordination is presented to the city by the applicant/developer. In addition, the applicant/developer submitting plans for driveway and curb cut improvements shall comply with applicable surface water management regulations of article VIII of this chapter.

(Ord. No. 97-10, § 1(3-10.5(C)), 7-3-1997)

**Secs. 108-320—108-345. Reserved.**

---

FOOTNOTE(S):

---

--- (5) ---

**Cross reference**— Traffic and vehicles, ch. 70. ([Back](#))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS

**ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS**

[Sec. 108-346. Open space, landscaping and removal of exotic vegetation.](#)

[Sec. 108-347. Required screening.](#)

[Sec. 108-348. Existing plant material.](#)

[Sec. 108-349. Landscape specifications.](#)

[Sec. 108-350. Exceptions.](#)

[Sec. 108-351. Increasing landscape and/or bufferyard requirements.](#)

[Sec. 108-352. Reducing landscape and/or bufferyard requirements.](#)

[Secs. 108-353—108-380. Reserved.](#)

**Sec. 108-346. Open space, landscaping and removal of exotic vegetation.**

- (a) Open space shall be comprised of permeable open surfaces, excluding principal structures and impermeable surfaces. No parking or paved areas shall be included as open area. Active recreation areas may be counted as open area.
- (b) Residential uses shall provide a minimum of 35 percent open space. Nonresidential uses shall provide a minimum of 20 percent open space. The total open space provided by mixed uses shall be based on the percent of total square feet of floor area on site allotted to the respective residential and nonresidential uses.
- (c) Open space and spaces between buildings required by this article, shall be located and improved so as to reasonably serve the purposes for which the requirements are intended. These purposes include provision of adequate light and air, appropriate separation between buildings and uses, enhancement of privacy, sufficient area for recreation and leisure pursuits in residential areas, and to facilitate surface water drainage.
- (d) The natural landscape of the site shall be preserved as much as possible for purposes of enhancing the general appearance of the site as well as to prevent excessive stormwater runoff, erosion, siltation and dust. Prior to the issuance of a certificate of occupancy for a new development, the owner/applicant shall remove all nuisance and invasive exotic vegetation from the site for which a development order or permit is requested. Nuisance plants include those plants which may or may not be native, and their growth habits are hard to control or they exhibit some undesirable features. Invasive exotic vegetation is those plants which have been introduced into the area and may have undesirable growth habits or maintenance constraints.

(Ord. No. 97-10, § 1(3-10.7), 7-3-1997)

**Sec. 108-347. Required screening.**

- (a) *Application of standards.* In order to maintain and perpetuate land use compatibility where different types and/or intensities of land use activities abut one another, the standards in the tables in subsections (b) and (c) of this section shall be applied to future development or redevelopment. The development plan applicant and successors in ownership shall maintain the bufferyard and landscape screening in perpetuity. The city may require more restrictive buffers to mitigate adverse impacts due to high impact development.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS

(b) *Table of minimum standards for required bufferyards and landscape screening.* The table of minimum standards for required bufferyards and landscape screening is as follows:

MINIMUM STANDARDS FOR REQUIRED BUFFERYARDS AND LANDSCAPE SCREENING

Proposed Use	Adjoining Use				
	Single-family, Detached	Multifamily	Low Impact <sup>(1)</sup>	Medium Impact <sup>(2)</sup>	High Impact <sup>(1)</sup>
Single-family, detached	None	B <sup>(2)</sup>	C <sup>(2)</sup>	D <sup>(2)</sup>	E <sup>(2)</sup>
Multifamily	B	A	B <sup>(2)</sup>	D <sup>(2)</sup>	E <sup>(2)</sup>
Low impact	C	B	None	B <sup>(2)</sup>	D <sup>(2)</sup>
Medium impact	D	E	B	None	C <sup>(2)</sup>
High impact	E	E	D	C	None

Footnotes:	
(1)	A use is considered "low," "medium," or "high" impact based on its effect on adjacent land uses considering the following criteria:
a.	Noise.
b.	Outdoor parking and loading space.
c.	Exterior storage.
d.	Height of structure.
e.	Production of dust, fumes and vibration.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS

f.	Litter, including use of disposable containers.
g.	Lighting.
h.	Overall design compatibility with adjacent uses, including scale, elevation, building material, roof and fenestration.
i.	Density and/or intensity of use.
The city shall use the above-cited criteria in determining whether a proposed mixed use or other nonresidential development is low, medium or high impact.	
(2)	The maximum buffer that may be required. If all or any part of the buffer has been provided on the adjacent property, the proposed use must provide only that amount of the buffer which has not been provided on the adjacent property.

(c) *Table of bufferyard and landscape screening types.* The table of bufferyard and landscape screening types is as follows:

**BUFFERYARD AND LANDSCAPE SCREENING TYPES**

Bufferyard Widths (linear feet)	Landscape Screening Type and Number of Plant Units <sup>(1)</sup> Required Per 100 Linear Feet of Bufferyard				
	A	B	C	D	E
2.5—4.99	<a href="#">30</a>	45	80	37 <sup>(2)</sup>	(4)
5.0—9.99	24	40	72	15 <sup>(2)</sup>	(4)
10.0—19.99	17	36	64	112	(4)
20.0—35.0			56	75	(4)
35+ <sup>(3)</sup>			42	64	(4)

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS

(1)	A plant unit is a measurement describing the amount of required plant material in flexible units based on the stated unit values in subsection (d) of this section.	
(2)	An opaque fence or wall is required in addition to the specified landscape material.	
(3)	Where standard bufferyard requirements will not adequately protect public health, safety and welfare, the city may require the following options:	
	a.	Increase the dimensions of landscape buffer required;
	b.	Increase the density of landscaping material required; and/or
	c.	Require the use of a 100-percent opaque wall or fence.
(4)	Specific requirements to be determined by the city on a case by case basis.	
The city will evaluate the criteria in footnote (1) of the table in subsection (b) of this section in determining whether additional buffers are needed.		

(d) *Type of plant material and landscape plant units.* The table for the type of plant material and landscape plant units is as follows:

Type of Plant Material		Landscape Plant Units
One canopy shade tree	=	10
One evergreen or ornamental tree	=	5
One shrub	=	1

(Ord. No. 97-10, § 1(3-10.8), 7-3-1997)

ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS

**Sec. 108-348. Existing plant material.**

Credit may be given for existing plant material against the requirements of sections [108-347](#) through [108-352](#). Existing plant material may be native vegetation, a previously planted landscape buffer installed by abutting development, existing or proposed walls or a combination of such vegetation, buffer or walls. Such existing landscaping or manmade barriers shall be accurately located and labeled on the development plan when submitted for review. The clearing of native vegetation sufficient to create the required landscape screening or portion thereof is prohibited without approval from the city. Such approval by the city should be based on the following factors:

- (1) The need to preserve access to a utility easement;
- (2) The existing native vegetation is in a deteriorated condition and the proposed replacement plants are clearly superior specimens and reinforce accepted design objectives; or
- (3) The existing vegetation is classified as undesirable plant species pursuant to [section 110-254](#)

(Ord. No. 97-10, § 1(3-10.8(A)), 7-3-1997)

**Sec. 108-349. Landscape specifications.**

Landscape specifications for bufferyard plantings relative to size, quality, spacing, and maintenance; drought tolerance techniques; and irrigation requirements shall be in compliance with those criteria cited in article VI of this chapter. Wherever berms are used, they shall be constructed with a grade not to exceed one foot vertical to three feet horizontal (1:3 slope). If berms are used to satisfy the screening and bufferyard requirements, they shall be landscaped with plant material to achieve the required height.

(Ord. No. 97-10, § 1(3-10.8(B)), 7-3-1997)

**Sec. 108-350. Exceptions.**

In order to provide optimum growing conditions and create an effective vegetative buffer, no bufferyards shall be less than 2.5 feet wide. Bufferyards between 2.5 feet and ten feet in width may substitute an opaque wooden fence or masonry wall at least six feet in height for the shrub requirement. However, canopy and/or shade trees required as part of the buffer must be installed regardless of whether a fence or wall is being used or not. Where a district boundary runs along a canal, no buffer is required if the specified buffer is an A or B buffer.

(Ord. No. 97-10, § 1(3-10.8(C)), 7-3-1997)

**Sec. 108-351. Increasing landscape and/or bufferyard requirements.**

(a) Increased buffer requirements may be required to protect the public health, safety and welfare. Where it is determined by the city that minimum standards for landscape and bufferyards would not adequately buffer uses of different intensities, the city may require the following:

- (1) An increase in the bufferyard dimensions.
- (2) An increase in the density of landscaping required (i.e., closer plant spacing, larger plant sizes at installation, or suggesting plants which attain a larger mature growth).
- (3) A six-foot, 100-percent opaque fence or wall. If a six-foot wall was part of the original buffer design, the city may increase the height of the fence or wall as well as recommend a building material that will more effectively screen undesirable views and/or other nuisances.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE V. OPEN SPACE, SCREENING AND BUFFERS

- (b) The city will review a use for the following indicators to determine if it is a low, medium or high impact use and conclude whether the bufferyard submitted with the development plan is adequate:
- (1) Noise.
  - (2) Outdoor parking and loading space.
  - (3) Exterior storage.
  - (4) Height of structure.
  - (5) Production of dust, fumes and vibration.
  - (6) Density and/or intensity of use.
  - (7) Litter, including use of disposable containers.
  - (8) Lighting.
  - (9) Overall design compatibility with adjacent uses, including scale, elevation, building material, roof and fenestration.

(Ord. No. 97-10, § 1(3-10.8(C)(1)), 7-3-1997)

**Sec. 108-352. Reducing landscape and/or bufferyard requirements.**

Upon review of the development plan it may become apparent that bufferyard and landscape screening requirements may be reduced without having a negative impact on existing or proposed abutting designated land uses. The following may constitute sound reasons for reducing the general requirements for bufferyard and/or landscape requirements:

- (1) Credit may be given for existing native vegetation located within the bufferyard.
- (2) Credit may be given for existing landscape screens, walls or fences installed by abutting development.

(Ord. No. 97-10, § 1(3-10.8(C)(2)), 7-3-1997)

**Secs. 108-353—108-380. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE VI. LANDSCAPING

**ARTICLE VI. LANDSCAPING** <sup>[6]</sup>

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - REQUIREMENTS FOR SPECIFIC AREAS](#)

[DIVISION 3. - REGULATIONS GENERALLY](#)

[DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE](#)

---

FOOTNOTE(S):

---

--- (6) ---

**Cross reference**— Tree protection, § 110-251 et seq. [\(Back\)](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Sec. 108-381. Purpose, intent and applicability.](#)

[Sec. 108-382. Definitions.](#)

[Secs. 108-383—108-410. Reserved.](#)

**Sec. 108-381. Purpose, intent and applicability.**

The intent of this article is to require screening and beautification of all storage, parking, display or sales areas so as to improve, protect and preserve the city's unique aesthetic characteristics and qualities. This article shall apply to all development requiring site plan approval. A landscape plan shall be a required component of all site plans. If sections of this article conflict with other land development regulations, the more restrictive provisions apply.

(Ord. No. 97-10, § 1(3-13.1), 7-3-1997)

**Sec. 108-382. Definitions.**

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

*Accessory vehicular use area* means all land upon which vehicles traverse the property, excluding the parking lot.

*Accessway* means a paved or unpaved area intended to provide ingress and egress from a public or private right-of-way to a public or private premises, including an off-street parking area.

*Barrier* means a solid and unbroken visual screen, including a masonry fence or solid wood fence, which presents a 100-percent opaque screen. An open chainlink fence shall not constitute a barrier.

*Berm* means mounding of soil which is planted with living plant material designed as a natural landscape buffer to screen incompatible land uses or to absorb or otherwise reduce nuisance impacts, such as noise, smoke, glare, or other similar impacts.

*Buffer* means a landscape area comprised of trees, shrubs and ground cover, and/or other landscaping material that is used to separate one use from another or from a roadway, and/or to shield or block noise, light or other nuisances.

*Caliper* means diameter at breast height (dbh) of a dicot or conifer tree trunk as measured 4.5 feet above the ground. Caliper of a monocot is the diameter of the tree trunk measured one foot above the ground.

*Canopy tree* and *shade tree* mean a single-trunked dicot or conifer tree which by virtue of its natural shape provides at maturity a minimum shade canopy of 15 feet in diameter.

*Dripline* means the natural outside end of the branches of a tree or shrub projected vertically to the ground.

*Encroachment* means a protrusion of a vehicle outside of a parking space, display area or accessway into a landscaped area.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE VI. - LANDSCAPING

DIVISION 1. GENERALLY

*Excavation* means to make a hole, unearth, scrape, or dig out for the purpose of construction, demolition or removal with specific relation to a tree dripline and root system.

*Grass* means green herbage, commonly referred to as "grass," which is commonly grown yearround in the city. For the purpose of this article, no artificial grass shall be considered living plant material.

*Ground cover* means low-growing living plant material or landscaping material.

*Hatracking* means pollarding or flat-cutting a tree such that the leaders are severed, or such that the canopy spread is reduced by one-third or more during any 365-day period.

*Hedge* means a dense and continuous visual screen of self-supporting living plant material.

*Interior parking space* means any parking space which is not adjacent to a required landscape strip.

*Landscape area* means an area containing trees, barriers, ground cover and/or other plant material as required by this article.

*Lawn grass* means grass areas which shall be planted in species normally grown as permanent lawns in the vicinity of the city. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion. When grass seed is sown it shall be a variety of seed which produces complete coverage within 90 days from sowing. In areas where a ground cover other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

*Living plant material* means grass, ground cover, shrubs, vines and trees.

*Mulch* means an organic soil additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark leaves or straw, used to reduce evaporation, prevent erosion, control weeds enrich the soil and lower soil temperature. Install at a three-inch depth, maximum.

*Protected tree* means a tree species which, due to its size, shape, character, age and/or aesthetic value, is declared by the city commission to be a locally unique example of the species.

*Shock* means a physiological state of or degeneration of the vital processes resulting from but not limited to root damage, wounds, damage, impact, partial or total girdling, or improper cutting.

*Shrub* means a self-supporting, woody, evergreen plant smaller than a tree and branching from or near the ground.

*Synthetic plants* means synthetic or artificial material in the form of trees, shrubs, ground covers or vines which shall not be used in lieu of plant requirements in this article.

*Transplanting* means the relocation of a plant from one location to another.

*Tree* means a self-supporting, wood plant of a species which normally at maturity has a trunk with a diameter of at least 2½ to three inches measured 4½ feet above grade and has an overall height of a minimum of 15 feet.

*Tree abuse* means any action or inaction which causes the decline or death of a tree. Abuse includes but is not limited to improper trimming, damage inflicted upon the tree including but not limited to abuse by machinery, changing the natural grade within the dripline, destruction of the natural shape or any action which causes infection, infestation, decay, or destroys the natural landscape function of the tree or results in the death of the tree.

*Vehicular use areas* includes all areas used for the circulation, parking and/or display of any and all types of vehicles, mobile homes, boats or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the primary uses. This includes but is not

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 1. GENERALLY

limited to activities of a drive-in nature, such as service stations, convenience stores, banks, restaurants and similar activities.

*Vine* means a plant which normally requires support to reach mature form. Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.

(Ord. No. 97-10, § 1(3-13.2), 7-3-1997)

**Cross reference**— Definitions generally, § 1-2.

**Secs. 108-383—108-410. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 2. REQUIREMENTS FOR SPECIFIC AREAS

***DIVISION 2. REQUIREMENTS FOR SPECIFIC AREAS***

[Sec. 108-411. Landscape plan approval.](#)

[Sec. 108-412. Minimum landscaping requirements.](#)

[Sec. 108-413. Requirements along street frontage.](#)

[Sec. 108-414. Requirements for interior areas.](#)

[Sec. 108-415. Perimeter landscape requirements.](#)

[Sec. 108-416. Other landscape requirements for nonvehicular use areas.](#)

[Secs. 108-417—108-445. Reserved.](#)

**Sec. 108-411. Landscape plan approval.**

- (a) *Development plan review.* A landscape plan showing proposed landscaping shall be submitted at such time as any development plan is submitted for development plan review. All landscape plans shall be drawn to scale and shall include sufficient information to demonstrate compliance with all of the landscape requirements of this article and [section 108-243](#). All landscape plans must include a complete list of the plant types and sizes to be planted along with a planting and maintenance schedule.

In addition to review procedures identified in article II of this chapter, landscape plans shall be reviewed by the tree commission. The tree commission, within 30 days of receiving a development plan with the landscape component, shall hold a public meeting to review and act on such plans. Required tree removal permit information identified in article VI of [chapter 110](#) shall be submitted with the landscape plan.

The planning board shall not review a development plan until the plan has been reviewed by the tree commission, unless the city landscape coordinator renders a finding that the subject development plan is compliant with all criteria of this article and article VI of [chapter 110](#). In the latter case, the development plan may be reviewed by the planning board prior to review by the tree commission; however, in such case any development plan approval by the planning board shall be conditioned on approval by the tree commission. Notice of the date of all public meetings of the tree commission shall be provided to the applicant. The applicant shall be given reasonable opportunity to be heard at the public meeting prior to the tree commission's action.

- (b) *Building permits.* Where development plan review is not required, a landscape plan shall be submitted at the time application is made for a building permit. The landscape plan shall be drawn to scale and shall clearly delineate the location and dimensions of the existing and proposed landscaping. The landscape plan shall also include a detailed plan of off-street parking areas as well as the location of existing and proposed buildings.

(Ord. No. 97-10, § 1(3-13.3), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING

DIVISION 2. REQUIREMENTS FOR SPECIFIC AREAS

**Sec. 108-412. Minimum landscaping requirements.**

- (a) *Minimum landscaped areas.* The minimum area of a building site which shall be landscaped with trees, including canopy trees, shrubs and ground cover, and other landscaping as defined in this article shall be a minimum of 20 percent of the building site area.
- (b) *Minimum native plant requirement.* Seventy percent of the minimum required landscaping shall be native plant species.
- (c) *Landscaping combination requirement.* All landscaping must consist of a combination of trees, including canopy and shade trees, shrubs and ground cover and must be in compliance with the land development regulations.
- (d) *Maintenance.* The owner or the owner's agent, where appropriate, shall be responsible for the maintenance of all required landscaping. All required landscaping shall be maintained free of debris and free of tree abuse. Where newly installed plants do not survive, they shall be replaced no later than 30 days from the time the prior tree expired.

(Ord. No. 97-10, § 1(3-13.4), 7-3-1997)

**Sec. 108-413. Requirements along street frontage.**

- (a) *Location of landscaping.* Landscaping shall be required to be located within the property line and/or building setback as established by the land development regulations or as otherwise established. Landscaping, when required in easements, may be adjusted by the planning board. A decision on any related issue decided upon by the planning board but remaining in dispute shall be resolved by the city commission.
- (b) *Minimum standards.* The landscaping shall comply with the following stipulated minimum standards and shall, in all cases, consist of a minimum of 70 percent native species. The local extension service provides a list of native trees, shrubs, and ground cover:

MINIMUM STANDARDS FOR LANDSCAPING ALONG THE RIGHT-OF-WAY

Area of Site	Width of Required Landscaping (linear feet)	Number of Plant Units* Required per 100 Linear Feet of Property Line or Right-of-Way
Less than 0.5 acre	10	40
0.5 to <1 acre	20	80
1 to <3 acres	<a href="#">30</a>	120
3 or more acres	40	160

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING

DIVISION 2. REQUIREMENTS FOR SPECIFIC AREAS

\*A plant unit is a measurement describing the amount of required plant material in flexible units based on the unit values in the following table.

Type of Plant Material	Number of Plant Units
One canopy or shade tree	10
One evergreen or ornamental tree	3
One shrub	1

All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with grass or other ground cover.

- (c) *Required screening material.* Any combination of barriers, shrub or landscaped berm shall be planted or installed along the entire length of each required landscape strip. In all residential or commercial or mixed use districts, the barrier, shrub, or landscape berm (berm with shrubs) shall be a minimum of 3.5 feet in height, except in commercial districts, where the barrier, shrub or landscaped berm along street rights-of-way shall be a minimum of three feet in height.

Where a barrier is erected, the barrier shall be restricted to a decorative masonry wall pursuant to standards cited in [section 108-449](#). Where a decorative wall is provided, the required plant material shall be planted on the street side along a public right-of-way and shall be maintained in perpetuity by the applicant or successive owners. All nonliving barriers abutting public streets shall be at least 18 inches inside the property line or within the building setback line, whichever is greater.

(Ord. No. 97-10, § 1(3-13.5), 7-3-1997)

**Sec. 108-414. Requirements for interior areas.**

- (a) *Scope.* This section presents a summary of the minimum requirements for landscaping and tree planting within the interior of parking lots and along the other perimeters of a parking lot.
- (b) *Size and composition of interior landscaping.* All off-street parking areas including all paved areas for off-street parking, drives, aisles, standing zones, and other vehicular use areas, except parking areas for single-family residences, shall have a minimum landscape area of 20 percent of the total parking area. Each landscaped area shall have a minimum dimension of six feet with a minimum of 60 square feet of continuous landscaped open area and is required to contain at least one shade tree. All landscaped open area shall contain grass, ground cover or other living plant material. Landscaped area for the interior of parking lots as well as landscaped area for perimeter

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING

DIVISION 2. REQUIREMENTS FOR SPECIFIC AREAS

requirements and other nonvehicular use areas shall not include any water areas. The total number of required trees shall be one tree for each 100 square feet or fraction thereof of required landscape area.

- (c) *Use of interior landscape strip.* Interior parking landscaping shall, insofar as possible, be used to delineate and guide major traffic movement within the parking area and to prevent cross space driving wherever possible. Landscaping dividing strips with concrete curbing along the outer perimeter and with or without walkways shall be used to subdivide parking areas. Landscaping shall be designed so no more than ten spaces shall be in an uninterrupted row. Where two rows of parking spaces are adjacent to one another (i.e., head to head), a landscape strip with a minimum dimension of six feet shall be planted along the common boundary. In addition, each ten parking stalls must be separated by a parallel landscaped area with a minimum dimension of nine feet to allow car doors to open freely. The end of each aisle and corner area must be landscaped. Each landscape strip shall contain a minimum of one shade tree.

(Ord. No. 97-10, § 1(3-13.6), 7-3-1997)

**Sec. 108-415. Perimeter landscape requirements.**

- (a) *Scope; standards.* Perimeter landscaping defines parking areas and prevents two adjacent lots from becoming one large expanse of paving. Perimeter landscaped areas for all off-street parking areas, excepting single-family homes and parking lots for six or less vehicles, must meet the following standards:

MINIMUM PARKING LOT  
 PERIMETER LANDSCAPING

Building Site (sq. ft.)	Perimeter Landscaping Width (feet)
20,000 or less	5.0
20,000—50,000	7.5
Over 50,000	10.0

- (b) *Required plant material in perimeter landscape strip.* One canopy shade tree and ten shrubs per 35 linear feet or fraction thereof is required in perimeter landscaped areas.
- (c) *Cross easements.* Cross easements between abutting parking lots together with coordinated plans for access, egress and internal circulation may be required for purposes of maintaining adopted levels of service for traffic circulation and avoiding the cumulative effect of uncontrolled curb cut proliferation.

(Ord. No. 97-10, § 1(3-13.7), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING

DIVISION 2. REQUIREMENTS FOR SPECIFIC AREAS

**Sec. 108-416. Other landscape requirements for nonvehicular use areas.**

- (a) Trees shall be planted in the nonvehicular open space, excluding the required street frontage landscape strips, the interior parking lot landscape strips, and the perimeter landscape strips, to meet the following requirements:

LANDSCAPE REQUIREMENTS IN  
 NONVEHICULAR USE AREAS

Percent of Site in Nonvehicular Open Space (NOS) (percent)	Tree Requirement
Less than 30	4 trees/2,000 sq. ft. NOS
<a href="#">30</a> —39	4 trees/2,500 sq. ft. NOS
40—49	4 trees/3,000 sq. ft. NOS
<a href="#">50</a> —59	4 trees/3,500 sq. ft. NOS
60 or more	4 trees/4,000 sq. ft. NOS

- (b) Grass, ground cover, shrubs, and other landscaping materials shall be used to treat all ground not covered by building, paving, or other structures. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any unsightly features. Trees, as required in this section, shall be spaced in clusters or situated in strategic locations consistent with good principles of design and plant installation.

(Ord. No. 97-10, § 1(3-13.8), 7-3-1997)

**Secs. 108-417—108-445. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 3. REGULATIONS GENERALLY

***DIVISION 3. REGULATIONS GENERALLY***

[Sec. 108-446. Applicability.](#)

[Sec. 108-447. Protection of plant material.](#)

[Sec. 108-448. Required coverage.](#)

[Sec. 108-449. Berms and decorative masonry walls.](#)

[Sec. 108-450. Landscape screening.](#)

[Sec. 108-451. Credit for existing trees.](#)

[Sec. 108-452. Required sight distances for landscaping adjacent to public rights-of-way and points of access.](#)

[Sec. 108-453. Required clearance over roadways and fire lanes.](#)

[Sec. 108-454. Attachments to trees; excessive cut or fill.](#)

[Secs. 108-455—108-480. Reserved.](#)

**Sec. 108-446. Applicability.**

The general regulations in this division shall apply to all landscaped areas.

(Ord. No. 97-10, § 1(3-13.9), 7-3-1997)

**Sec. 108-447. Protection of plant material.**

- (a) All landscape strips required by this article shall be protected from vehicular encroachment by raised curbing.
- (b) During the construction stage of development, the developer shall not cause or allow the cleaning or storage of equipment or material, within the dripline (refer to the figure in [section 108-448](#)) of any tree or groups of trees to be maintained. The developer shall provide and maintain protective barriers, in a form to be approved by the landscape coordinator, around all landscaping existing on site prior to construction. The developer shall not cause or allow the disposal of waste material such as paint, oil, solvents, asphalt, concrete, mortar or any other material harmful to the life of a tree within the dripline of any tree or groups of trees.

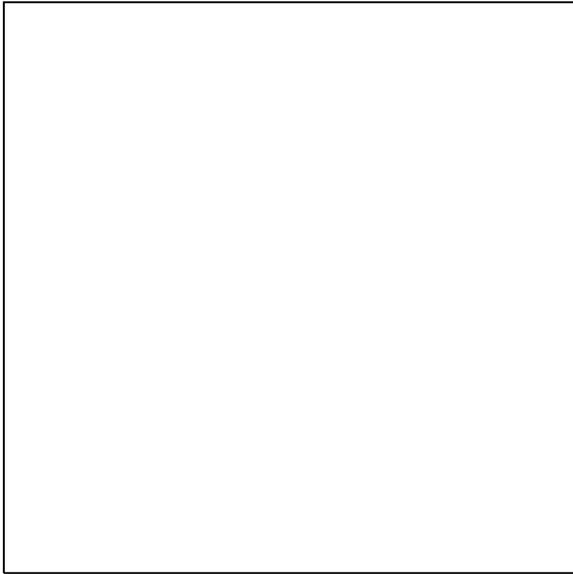
(Ord. No. 97-10, § 1(3-13.9(A)), 7-3-1997)

**Sec. 108-448. Required coverage.**

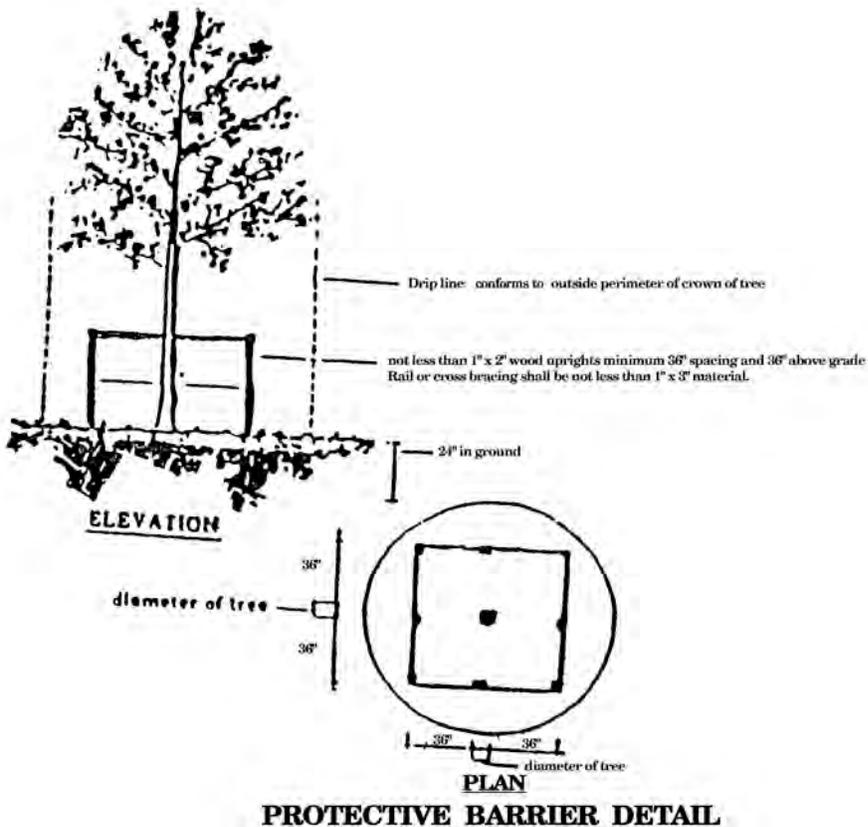
All landscape strips required by this article shall be covered by a living plant material, excepting a mulched area having a radius no larger than three feet from the outside diameter of the fill. Grass areas shall be planted in species normally grown as permanent lawns in the vicinity of the city. Grass areas shall be sodded. Synthetic or artificial material in the form of trees, shrubs, ground covers or vines shall

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 3. REGULATIONS GENERALLY



not be used in lieu of plant requirements in this article.



*PROTECTIVE BARRIER DETAIL*

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 3. REGULATIONS GENERALLY

NOTES:

1. Trees to be protected shall be centered within protective barrier (minimum shown above).
2. Protective barrier shall be enlarged when necessary to enclose all exposed roots.

(Ord. No. 97-10, § 1(3-13.9(B)), 7-3-1997)

**Sec. 108-449. Berms and decorative masonry walls.**

- (a) Berms are encouraged for use in meeting the landscape barrier requirements of this article. If berms are utilized, they shall be landscaped with living plant material to achieve the required heights. Berms must be at least 1.5 feet high with a minimum slope of 2:1. The minimum crown of the berm shall be two feet. The berm must be covered with live vegetation.
- (b) Where berms or decorative masonry walls (i.e., faced with stucco, brick, or other ornamental material) are constructed within the required landscape strip, the number of required plant units may be reduced by 50 percent. Notwithstanding, canopy or shade trees shall be provided pursuant to [section 108-415](#)(b). All such plant material shall be planted on the side of the wall facing the right-of-way.

(Ord. No. 97-10, § 1(3-13.9(C)), 7-3-1997)

**Sec. 108-450. Landscape screening.**

A landscape strip is required along the entire perimeter of all storage, parking, display, sales or accessory vehicular use areas except along the portion of the perimeter which is entirely screened visually from adjacent property by buildings on the property being improved.

(Ord. No. 97-10, § 1(3-13.9(D)), 7-3-1997)

**Sec. 108-451. Credit for existing trees.**

Credit shall be granted for trees which are preserved on a site and which meet the tree requirements of any landscaping section of this division. Where a tree is of exceptional quality, as determined by a qualified landscape professional, the planning board shall grant a two-tree credit for the preserved tree. Exceptional quality shall be judged on the basis of such factors as extraordinary size of the tree, vigorous health, large canopy cover, historic value, rareness, and age. No credit will be granted for preserved trees which are classified as undesirable, which are extremely poor specimens or which are in declining health.

(Ord. No. 97-10, § 1(3-13.9(E)), 7-3-1997)

**Sec. 108-452. Required sight distances for landscaping adjacent to public rights-of-way and points of access.**

When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular area described in this section shall allow unobstructed cross visibility at a level between 30 inches above the sidewalk grade and six feet above the sidewalk grade. However, trees or palms shall be permitted provided the trees or palms are trimmed so as to allow visibility at the levels indicated in this section and provided they are located so as not to create a traffic hazard. Triangular areas are as follows:

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE VI. - LANDSCAPING

DIVISION 3. REGULATIONS GENERALLY

- (1) *Clear zone adjacent to intersection of accessway and public right-of-way.* The clear zone adjacent to an intersection of an accessway and a public right-of-way shall be the triangular areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line for a distance of 15 feet in length along the accessway and eight feet in length along the public right-of-way, and the third line connecting the ends of the two sides.
- (2) *Clear zone adjacent to intersection of two or more intersecting rights-of-way.* The clear zone adjacent to the intersection of two or more intersecting rights-of-way shall be the area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being 30 feet in length along the abutting public rights-of-way measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

(Ord. No. 97-10, § 1(3-13.9(F)), 7-3-1997)

**Sec. 108-453. Required clearance over roadways and fire lanes.**

Every tree, whether new or existing, shall have a minimum of 14 feet of clearance over any roadway or fire lane, whether public or private, to allow for the unobstructed passage of emergency apparatus to safely travel under.

(Ord. No. 97-10, § 1(3-13.9(G)), 7-3-1997)

**Sec. 108-454. Attachments to trees; excessive cut or fill.**

- (a) *Attachments to trees prohibited.* It shall be unlawful to attach anything to a tree trunk or stem having a diameter of six inches or more, other than protective wires, braces or other similar noninjurious materials.
- (b) *Excessive cut and/or fill.* It shall be unlawful to remove any material or ground within the dripline of a tree which is necessary for the growth of the subject tree. Also, when raising the existing grade of a site, it shall be unlawful to raise the grade within the tree's dripline more than six inches without incorporating retaining walls to preserve the tree's root system.

(Ord. No. 97-10, § 1(3-13.9(H)), 7-3-1997)

**Secs. 108-455—108-480. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING

DIVISION 4. PLANTING METHODS, MATERIAL, MAINTENANCE

***DIVISION 4. PLANTING METHODS, MATERIAL, MAINTENANCE***

[Subdivision I. - In General](#)

[Subdivision II. - Drought Tolerant Landscape](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision I. In General

Subdivision I. In General

[Sec. 108-481. Specifications for plant materials.](#)

[Sec. 108-482. Installation and maintenance.](#)

[Secs. 108-483—108-510. Reserved.](#)

**Sec. 108-481. Specifications for plant materials.**

- (a) *Trees.* All trees shall be a minimum of 12 feet in height with a minimum of six feet of clear trunk space immediately after planting. Trees shall be of a species having an average mature crown of greater than 30 feet wide and having trunks which can be maintained with over six feet of clear wood. Trees or palms having an average mature crown spread of less than 30 feet may be substituted by grouping the trees or palms so as to create the equivalent of 20 feet of crown spread. Such a grouping shall count as one tree toward meeting the tree requirement for any section in this article. If palms are used, they shall constitute no more than 25 percent of total tree requirements for any section in this article. No other tree species shall account for more than 50 percent of the total number of trees. Trees must be spaced between ten and 50 feet apart depending on the characteristics of the tree species and the function of the respective tree.
- (b) *Shrubs and hedges.* Individually planted shrubs shall be a minimum of 24 inches in height immediately after planting. Shrubs planted for required hedges shall have minimum heights immediately after planting as follows: two feet for three-foot high hedges; 2½ feet for four-foot high hedges and three feet for five-foot high hedges. The planning board may waive the size and minimum standard specifications if the applicant can demonstrate that current market conditions are such that shrubs and hedges meeting these specifications are not readily available. Shrubs shall be planted no further apart than four feet on center. Hedges shall reach the required height and form a solid and unbroken visual screen within one year after planting.

(Ord. No. 97-10, § 1(3-13.10), 7-3-1997)

**Sec. 108-482. Installation and maintenance.**

- (a) *Plant quality and installation.* All plant materials shall be of a species adaptive to the Florida Keys and shall conform to standards for Florida No. 1 or better, as stated in Grades and Standards for Nursery Plants, part I (1973) and part II (1975), state department of agriculture, as may be amended. Grass sod shall be clean and reasonably free of noxious pests or diseases. Installation of all landscaping shall be in a sound workmanlike manner according to accepted good planting procedures. Prohibited species of trees shall be those species whose roots are known to cause damage to public roadways or other public improvements. Prohibited trees include the following:
- (1) Australian pine (*Casuarine* sp.).
  - (2) Melaleuca (*Cajeput*) (*Melaleuca leucadendra*).
  - (3) Brazilian pepper (*Schinus terebinthifolius*).
- (b) *Maintenance, including irrigation.* Maintenance of landscaping shall be the responsibility of the owner, tenant or agent, jointly and severally. The landscaping shall be maintained in perpetuity in a

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision I. In General

good condition so as to present a healthy, neat and orderly appearance. All landscaped areas must be equipped with an irrigation system approved by the planning board. All landscaped areas shall be kept free of weeds, refuse and debris.

If at any time after issuance of a certificate of occupancy or other form of approval the landscaping of a development to which this article is applicable is found to be noncompliant, the administrative official shall issue notice to the owner that action is required to comply with this section and shall describe what action is required to comply. The owner, tenant, or agent shall have 30 days to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this section, the punishment for which shall be as provided pursuant to the Code of Ordinances. If, after due process, the landowner fails to comply with the order of the city, the city commission may order the administrative official to enter into a contract for city commission approval for purposes of undertaking required maintenance and bill the property owner or lessee for the costs incurred.

(Ord. No. 97-10, § 1(3-13.11), 7-3-1997)

**Secs. 108-483—108-510. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Subdivision II. Drought Tolerant Landscape

[Sec. 108-511. Landscape plan required.](#)

[Sec. 108-512. Techniques utilized.](#)

[Sec. 108-513. Landscape plans in industrial, commercial, civic and multifamily residential buildings or structures and common areas of single-family or multifamily residential developments.](#)

[Sec. 108-514. Review of landscape plans.](#)

[Sec. 108-515. Irrigation plan required.](#)

[Sec. 108-516. Review and approval procedure.](#)

[Sec. 108-517. Waivers or modifications.](#)

[Sec. 108-518. Recommended plant material.](#)

[Secs. 108-519—108-545. Reserved.](#)

**Sec. 108-511. Landscape plan required.**

- (a) A landscape plan shall be submitted to and approved by the planning board prior to issuance of a site plan approval where applicable or prior to issuance of a building or paving permit where a site plan is not applicable. The landscape plan shall contain the following:
- (1) Names, addresses and phone numbers of the owner and designer.
  - (2) North arrow, scale and date; the minimum scale is one inch equals 50 feet.
  - (3) Property lines, easements and rights-of-way with internal and property line dimensions.
  - (4) Location of existing or proposed utility service.
  - (5) Location and size of any existing or proposed structures.
  - (6) Location and size of any existing or proposed site features, such as earthen mounds, swales, walls, and water areas.
  - (7) Location and size of any existing or proposed vehicular use areas.
  - (8) Location and size of any existing or proposed sidewalks, curbs and wheel stops.
  - (9) Irrigation plan, showing location of sprinkler heads, hose bibs or quick couplers and other information on irrigation.
  - (10) Calculations of required type, dimensions, and square footage of landscape material and of required landscape areas, including total site area, parking areas, other vehicular use area, percentage of nonvehicular open space, perimeter and interior landscape strips, required number of trees.
  - (11) Location of required landscape areas and dimensions.
  - (12) Location, name, height, and size of all existing plant material to be retained.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

- (13) Location, size, height, and description of all landscape material including name, quantity, quality, spacing and specified size and specification of all plant material.
  - (14) Height, width, type, material, and location of all barriers of nonliving material.
  - (15) Indicate location, dimensions and area of landscaping for freestanding signs.
  - (16) Show all landscaping, buildings or other improvements on adjacent property within five feet of the common property line.
- (b) The landscaping plan shall be drawn by a landscape architect or other person with comparable experience in the field of landscaping.

(Ord. No. 97-10, § 1(3-13.12(A)), 7-3-1997)

**Sec. 108-512. Techniques utilized.**

Landscape designs shall incorporate appropriate plant material which will survive and flourish with comparatively little supplemental irrigation. These plants are native, drought tolerant, noninvasive plants.

(Ord. No. 97-10, § 1(3-13.12(B)), 7-3-1997)

**Sec. 108-513. Landscape plans in industrial, commercial, civic and multifamily residential buildings or structures and common areas of single-family or multifamily residential developments.**

Industrial, commercial, civic and multifamily residential buildings or structures and common areas of single-family or multifamily residential developments shall incorporate drought tolerant trees, shrubs, and ground covers in landscape plans as a water conservation measure. A list of plants which require minimal water can be found in [section 108-518](#) as well as Xeriscape Plant Guide II, made available through the South Florida Water Management District. Interior remodels or minor modifications to the exterior of a structure are not subject to this requirement.

(Ord. No. 97-10, § 1(3-13.12(B)), 7-3-1997)

**Sec. 108-514. Review of landscape plans.**

The administrative official shall review all landscape plans to verify that the following drought tolerant fundamentals have been utilized:

- (1) Consideration for the site's soil characteristics, topography, drainage, and microclimatic conditions should be made when making plant selection.
- (2) Organic mulches (pine and cypress) and inorganic mulches (rock, stone and gravel) shall be specified in planting beds to a minimum depth of three inches. Mulches will help in holding moisture, cooling the surface, reducing weed growth, slowing erosion, and, in the case of organic mulches, even improve the soil quality as they decompose.
- (3) Drought tolerant, native and noninvasive exotic plants shall be used. This conserves water resources and increases a plant's chance of survival. Plants shall be installed and maintained in a professional and responsible manner so as to allow for the plant's optimum growth and longevity.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

(Ord. No. 97-10, § 1(3-13.12(B)), 7-3-1997)

**Sec. 108-515. Irrigation plan required.**

- (a) The landscape plan shall be accompanied by an irrigation plan showing the following information:
  - (1) The name, address and phone number of the irrigation contractor responsible for the design.
  - (2) A schedule of materials, including heads, piping, meters, cocks, etc., with sizes and quantities specified.
  - (3) Include a scaled drawing showing location of all heads, piping, meters and cocks.
  - (4) Indicate the source of water to be used (i.e., on-site well, city water or reclaimed water). The irrigation system shall be designed to connect to the city's reclaimed water system if and when it becomes available within 100 feet of the site.
  - (5) Backflow preventers shall be indicated on the design.
- (b) The irrigation design shall provide for 100-percent coverage of all planted areas, and irrigation zones shall accommodate plants with similar watering requirements.
- (c) All irrigation systems shall include a rain sensor device or switch which will override the irrigation cycle of the system when adequate rainfall has occurred.
- (d) Shrubs, trees, ground covers, and low mass plantings shall be watered with bubblers of low volume emitters placed in separate zones from turf sprinklers.
- (e) In an effort to conserve water, very narrow areas where sprinkler heads would overspray, mulches, gravel or other nonliving forms of ground cover shall be utilized.

(Ord. No. 97-10, § 1(3-13.12(C)), 7-3-1997)

**Sec. 108-516. Review and approval procedure.**

Landscape and irrigation plans shall be subject to review and approval as part of the development plan review procedure. The administrative official shall authorize the inspection of all landscaping and irrigation, and no certificate of approval and occupancy shall be issued until the landscaping and irrigation are completed in accordance with the submitted landscape and irrigation plans and the requirements of this article. A decision on any related issue in dispute shall be resolved by the planning board.

(Ord. No. 97-10, § 1(3-13.12(D)), 7-3-1997)

**Sec. 108-517. Waivers or modifications.**

- (a) An application for waiver or modification to the standards of this ordinance shall be filed with the city planning office and shall be considered by the planning board after reviewing recommendations of the city planner or designated staff. The planning board shall render the final action. The application shall:
  - (1) Be filed on forms provided by the administrative official.
  - (2) State clearly and in detail the waivers requested and reasons therefor.

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING  
 DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

- (3) Be accompanied by sketches, surveys and statistical information.
- (4) Be accompanied by an application fee, the amount of which shall be determined by the resolution of the city commission.
- (5) Be executed and sworn to by the owner or authorized agent.
- (b) The planning board may approve or grant the waiver or modification only if it determines that the waivers or modifications are not contrary to the intent of this subdivision and that a literal enforcement of the standards of this subdivision would be impracticable and would not violate the following criteria:
  - (1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.
  - (2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area.
  - (3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design.
  - (4) *Protection of significant features.* The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
  - (5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:
    - a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and
    - b. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
  - (6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

(Ord. No. 97-10, § 1(3-13.12(E)), 7-3-1997)

**Sec. 108-518. Recommended plant material.**

Recommended plant material shall be as follows:

RECOMMENDED PLANT MATERIAL\*

Common Name/Scientific Name	Natural Height (feet)	Salt Tolerance	Drought Tolerance
<i>Ground Covers</i>			

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Swamp fern/ <i>Blechnum serrulatum</i>	2—4	L	L
Silver sea oxeye/ <i>Borrchia arborescens</i>	2—4	H	H
Beach bean/ <i>Canavalia maritima</i>	0.5—1	H	H
Pineland snowberry/ <i>Chiococca pinetorum</i>	2—3	H	H
Condradina/ <i>Condradina grandiflora</i>	1—3	H	H
Swamp lily/ <i>Crinum americanum</i>	1—2	M	M
Christmas berry/ <i>Crossopetalum ilicifolium</i>	1—2	H	H
Seashore saltgrass/ <i>Distichlis spicata</i>	0.25—0.5	H	H
Twinflower/ <i>Dyschoriste oblongifolia</i>	0.5—1.5	H	H
Golden creeper/ <i>Ernodea littoralis</i>	1—3	H	H
Blanket flower/ <i>Gaillardia pulchella</i>	1—1.5	H	H
Beach sunflower/ <i>Helianthus debilis</i>	1—2	H	H
Spider lily/ <i>Hymenocallis floridana</i>	1—2	M	L
Spider lily/ <i>Hymenocallis latifolia</i>	1—3	M	H
Alligator lily/ <i>Hymenocallis palmeri</i>	1	H	M
Dwarf yaupon holly/ <i>Ilex vomitoria</i> "Schellings dwarf"	1—3	H, M	M
Railroad vine/ <i>Ipomoea pes-caprae</i>	0.3—0.6	H	H
Beach morning glory/ <i>Ipomoea stolonifera</i>	0.5	H	H

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Seacoast beach elder/ <i>Iva imbricata</i>	1—3	H	H
Dwarf lantana/ <i>Lantana ovatifolia</i> var. <i>reclinata</i>	0.7	H	H
Gopher apple/ <i>Licania michauxii</i>	0.3—1	H	H
Matchweed/ <i>Lippia nodiflora</i>	0.3	H	H
Sea lavender/ <i>Mallotonia gnophalodes</i>	4—6	H	H
Giant sword fern/ <i>Nephrolepis biserrata</i>	3—4	L	L
Beach peanut/ <i>Okenia hypogaea</i>	0.5	H	H
Basket grass/ <i>Oplismenus setarius</i>	0.2—0.75	L	M
Beach panic grass/ <i>Panicum amarum</i>	1—2	H	H
Baby rubber plant/ <i>Peperomia obtusifolia</i>	1—1.5	L	H
Pennyroyal/ <i>Satureja rigida</i>	0.5—2	L	H
Inkberry/ <i>Scaevola plumieri</i>	1—6	L	H
Saw palmetto/ <i>Serenoa repens</i>	4—8	H	H
Sea purslane/ <i>Sesuvium portulacastrum</i>	1—1.5	H	H
Spiderwort/ <i>Tradescantia ohiensis</i>	1—2	M	M
Sea oats/ <i>Uniola paniculata</i>	3—5	H	H
Wild allamanda/ <i>Urechites lutea</i>	1—2	M	H
Shiny blueberry/ <i>Vaccinium myrsinites</i>	1—2	L	H

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Beach verbena/ <i>Verbena maritima</i>	0.5—1	H	H
Bear grass/ <i>Yucca filamentosa</i>	1—2	H	H
Coontie/ <i>Zamia pumila</i>	1—3	H	H
<i>Shrubs</i>			
Sweet acacia/ <i>Acacia farnesiana</i>	8—10	M	H
Paurotis palm/ <i>Acoelorrhapha wrightii</i>	15—20	M	M
Black calabash/ <i>Amphitecna latifolia</i>	20—30	H	H
Torchwood/ <i>Amyris elemifera</i>	12—16	H	M
Pineland allamanda/ <i>Angadenia berterii</i>	2—4	L	H
Marlberry/ <i>Ardisia escallonioides</i>	12—15	H	M
Butterfly weed/ <i>Asclepias tuberosa</i>	3—4	L	H
Salt bush/ <i>Baccharis halimifolia</i>	5—7	H	H
Tarflower/ <i>Beraria racemosa</i>	4—8	L	M
Silver sea oxeye/ <i>Borrchia arborescens</i>	2—4	H	H
Slender buchthorn/ <i>Bumelia reclinata</i>	20—30	H	M
Locustberry/ <i>Byrsonima lucida</i>	15—20	L	H
Beautyberry/ <i>Callicarpa americana</i>	4—8	L	H
Spicewood/ <i>Calyptanthes pallens</i>	10—25	M	H

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Jamaican caper/ <i>Capparis cynophallophora</i>	8—10	H	H
Seven-year apple/ <i>Casasia clusifolia</i>	5—10	H	H
Buttonbush/ <i>Cephalanthus occidentalis</i>	15	L	L
Rosemary/ <i>Cerotiola ericoides</i>	4—5	H	H
Snowberry/ <i>Chiococca alba</i>	6—9	H	H
Cocoplum/ <i>Chrysobalanus icaco</i>	6—8	H	M
Sea grape/ <i>Coccoloba uvifera</i>	15—30	H	H
Coffee colubrina/ <i>Colubrina arborescens</i>	15—20	H	H
Silver buttonwood/ <i>Conocarpus erectus</i>	15—20	H	H
Coin vine/ <i>Dalbergia ecastophyllum</i>	6—9	H	H
Varnish leaf/ <i>Dodonaea viscosa</i>	5—12	H	H
Golden dewdrop/ <i>Duranta repens</i>	12—15	M	M
Coral bean/ <i>Erythrina herbacea</i>	4—20	L	M
Stoppers/ <i>Eugenia</i> spp.	8—20	H	H
Wild olive/ <i>Forestiera segregata</i>	5—20	H	H
Wild cotton/ <i>Gossypium hirsutum</i>	10—15	H	H
Scarletbush/ <i>Hamelia patens</i>	5—6	M	H
Dahoon holly/ <i>Ilex cassine</i>	25—40	M	M

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING  
 DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Gallberry/Ilex glabra	6—10	M	M
Yaupon holly/Ilex vomitoria	2—8	H	H
Marsh elder/Iva frutescens	3—10	H	M
Joewood/Jacquinia keyensis	10—15	H	H
Christmas berry/Lycium carolinianum	6—8	H	H
Rusty lyonia/Lyonia ferruginia	10—20	L	H
Sea lavender/Mallotonia gnaphaloles	4—6	H	H
Florida mayten/Maytenus phyllanthoides	4—8	M	M
Wax myrtle/Myrica cerifera	12—15	H	H
Rapanea/Myrsine guianensis	15—20	H	H
Blackhead/Pithecellobium guadelupense	15—20	H	H
Cat's claw/Pithecellobium unguis-cati	15—20	H	H
Wild coffee/Psychotria nervosa	4—6	L	M
White indigoberry/Randia aculeata	6—10	H	M
Needle palm/Rhapidiphyllum hystrix	3—5	L	M
Winged sumac/Rhus coppalina	5—25	L	H
Scrub palmetto/Sabal etonia	3—4	M	H
Dwarf palmetto/Sabal minor	5—7	H	H

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING  
 DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Maidenbush/ <i>Savia bahamensis</i>	8—10	H	H
Inkberry/ <i>Scaevola plumieri</i>	1—6	H	H
Saw palmetto/ <i>Serenoa repens</i>	6—15	H	H
Necklace pod/ <i>Sophora tomentosa</i>	6—10	H	M
Bay cedar/ <i>Suriana maritima</i>	10—15	H	H
Yellow elder/ <i>Tecoma stans</i>	10—20	M	H
Florida tetrazygia/ <i>Tetrazygia bicolor</i>	5—20	M	H
Shiny blueberry/ <i>Vaccinium myrsinites</i>	1—2	L	H
Spanish bayonet/ <i>Yucca aloifolia</i>	12—15	H	H
Spanish dagger/ <i>Yucca gloriosa</i>	6—8	M	H
<i>Trees</i>			
Sweet acacia/ <i>Acacia farnesiana</i>	10—12	M	H
Red maple/ <i>Acer rubrum</i>	35—50	L	L
Paurotis palm/ <i>Acoelorrhaphe wrightii</i>	15—25	M	M
Black calabash/ <i>Amphitecna latifolia</i>	20—30	H	H
Pond apple/ <i>Annona glabra</i>	25—40	M	L
Marlberry/ <i>Ardisia escallonioides</i>	15—25	L	M
Black mangrove/ <i>Avicennia germanans</i>	20—30	H	L

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING  
 DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Strongbark/Bourreria succulenta var. revoluta	20	M	H
Buckthorn/Bumelia spp.	20—40	M, L	M, H
Gumbo limbo/Bursera simaruba	40—60	M	H
Wild cinnamon/Canella alba	20—35	M	H
Satin leaf/Chrysophyllum oliviforme	<a href="#">30</a> —40	M	H
Fiddlewood/Citharexylum fruticosum	25—30	M	H
Pitch apple/Clusia rosea	25—30	H	H
Pigeon plum/Coccoloba diversifolia	25—30	H	H
Sea grape/Coccoloba uvifera	15—30	H	H
Silver palm/Coccothrinax argentata	10—20	H	H
Buttonwood/Conocarpus erectus	<a href="#">30</a> —50	H	H
Geiger tree/Cordia sebestena	20—25	H	H
Willow-leaved bustic/Dipholis salicifolia	<a href="#">30</a> —50	L	M
Stoppers/Eugenia spp.	15—20	H	H
Princewood/Exostema caribaeum	20—25	L	M
Strangler fig/Ficus aurea	40—50	M	H
Shortleaf fig/Ficus citrifolia	40—50	M	H
Loblolly bay/Gordonia lasianthus	<a href="#">30</a> —40	L	L

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING  
 DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Lignum vitae/Guaiacum sanctum	10—20	M	L
Blolly/Guapira discolor	35—50	M	H
Everglades velvetseed/Guettarda elliptica	10—20	L	H
Rough velvetseed/Guettarda scabra	15—30	H	H
Crabwood/Gymnanthes lucida	15—30	M	H
Mahoe/Hibiscus tiliaceus	<a href="#">30</a> —45	H	H
White ironwood/Hypelate trifoliata	<a href="#">30</a> —40	H	H
Dahoon holly/Ilex cassine	25—40	M	H
Tawnyberry holly/Ilex krugiana	25—40	H	M
Yaupon holly/Ilex vomitoria	20—25	H	H
Southern juniper/Juniperus silicicola	25—30	H	H
Black ironwood/Krugiodendron ferreum	20—30	M	H
White mangrove/Laguncularia racemosa	40—60	H	L
Wild tamarind/Lysiloma bahamensis	40—50	H	H
Southern magnolia/Magnolia grandiflora	60—100	H	H
Sweetbay/Magnolia virginiana	40—60	L	L
Mastic/Mastichodendron foetidissimum	45—70	H	H
Twinberry/Myrcianthes fragrans	20—30	H	H

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Wax myrtle/ <i>Myrica cerifera</i>	15—25	H	H
Lancewood/ <i>Nectandra coriacea</i>	<a href="#">30</a> —40	L	M
Red bay/ <i>Persea borbonia</i>	<a href="#">50</a> —60	M	H
Sand pine/ <i>Pinus clausa</i>	60—80	H	H
South Florida slash/ <i>Pinus elliotii</i> var. <i>densa</i>	80—100	M	H
Jamaican dogwood/ <i>Poscidia piscipula</i>	35—50	H	H
Sycamore/ <i>Plantanus occidentalis</i>	<a href="#">70</a> —110	L	L
West Indian cherry/ <i>Prunus myrtifolia</i>	15—40	L	M
Buccaneer palm/ <i>Psuedophoenix sargentii</i>	10—15	H	H
Laurel oak/ <i>Quercus laurifolia</i>	60—100	L	H
Live oak/ <i>Quercus virginiana</i>	<a href="#">50</a> —80	H	H
Darling plum/ <i>Reynosa septentrionalis</i>	20—30	H	H
Red mangrove/ <i>Rhizophora mangle</i>	<a href="#">30</a> —80	H	L
Florida royal palm/ <i>Roystonea elata</i>	60—125	M	M
Cabbage palmetto/ <i>Sabal palmetto</i>	45—70	H	H
Coastal plain willow/ <i>Salix caroliniana</i>	20—30	L	L
Soapberry/ <i>Sapindus saponaria</i>	35—45	H	H
Florida boxwood/ <i>Schaefferia frutescens</i>	20—40	M	M

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VI. - LANDSCAPING  
 DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Paradise tree/Simarouba glauca	35—50	M	H
Mahogany/Swietenia mahogani	35—60	H	H
Bald cypress/Taxodium distichum	60—100	M	H
Yellow elder/Tecoma stans	10—20	M	H
Key thatch palm/Thrinax morrisii	15—30	H	H
Florida thatch palm/Thrinax parviflora	20—25	H	H
Thatch palm/Thrinax radiata	15—25	H	H
Florida basswood/Tilia floridana	<u>30</u> —60	L	L
Tallowwood plum/Ximenia americana	20—25	H	H
Hercules club/Zanthoxylum clava-herculis	25—50	M	H
Wild lime/Zanthoxylum fagara	20—30	H	H

L	=	Low
M	=	Medium
H	=	High

\*The plants recommended in this list are taken from the following periodicals:

Native Ground Cover for South Florida, Alan W. Meerow; Cooperative Extension Service, University of Florida, Institute of Food and Agricultural Sciences; Reprinted August 1990.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VI. - LANDSCAPING  
DIVISION 4. - PLANTING METHODS, MATERIAL, MAINTENANCE

Subdivision II. Drought Tolerant Landscape

Native Shrubs for South Florida, Alan W. Meerow; Cooperative Extension Service, University of Florida, Institute of Food and Agricultural Sciences; 1989.

Native Trees for South Florida, Broschat, Donselman, and Meerow; Cooperative Extension Service, University of Florida, Institute of Food and Agricultural Sciences; March 1992.

Another comprehensive source for drought tolerant plants can be found in the publication "Xeriscape, Plant Guide II," distributed by the South Florida Water Management District.

(Ord. No. 97-10, § 1(app. XIII-A), 7-3-1997)

---

**Secs. 108-519—108-545. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE VII. OFF-STREET PARKING AND LOADING

**ARTICLE VII. OFF-STREET PARKING AND LOADING** [\[i\]](#)

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - REGULATIONS FOR REQUIRED SPACES](#)

[DIVISION 3. - PARKING AND STORAGE OF CERTAIN VEHICLES](#)

---

FOOTNOTE(S):

---

--- (7) ---

**Cross reference**— Parking, stopping and standing, § 70-116 et seq. [\(Back\)](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Secs. 108-546—108-570. Reserved.](#)

**Secs. 108-546—108-570. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 2. REGULATIONS FOR REQUIRED SPACES

***DIVISION 2. REGULATIONS FOR REQUIRED SPACES***

[Subdivision I. - In General](#)

[Subdivision II. - Parking Area Regulations](#)

[Subdivision III. - Design and Specifications for Parking and Loading Areas](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

Subdivision I. In General

[Sec. 108-571. Applicability.](#)

[Sec. 108-572. Schedule of off-street parking requirements by use generally.](#)

[Sec. 108-573. Special provisions within historic commercial pedestrian-oriented area.](#)

[Sec. 108-574. Substitution of bicycle parking spaces.](#)

[Sec. 108-575. Computation of parking spaces.](#)

[Sec. 108-576. Location of off-street parking spaces.](#)

[Sec. 108-577. Combined parking spaces.](#)

[Sec. 108-578. Driveways serving single-family dwellings.](#)

[Secs. 108-579—108-605. Reserved.](#)

**Sec. 108-571. Applicability.**

Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use or the addition of dwelling units, transient units, floor area, seats, beds, employees or other factors impacting parking demand as stated in this article. The parking spaces shall be delineated on a development plan if required pursuant to article II of this chapter. If a development plan is not required, the applicant shall submit a scaled drawing which shall be approved by the building official and filed with the building department. The land comprising approved parking spaces required by the land development regulations shall be maintained as off-street parking spaces in perpetuity and shall not be used for other purposes unless there is a city-approved change in land use on the premises which warrants a change in the design, layout, or number of required parking spaces.

(Ord. No. 97-10, § 1(3-15.1), 7-3-1997)

**Sec. 108-572. Schedule of off-street parking requirements by use generally.**

Off-street parking spaces shall be provided in accordance with the following schedule for motor vehicles and bicycles:

		Minimum Number of Parking Spaces Required For:	
Use		Motorized Vehicles	Bicycles As % of Motor Vehicles
(1)	Single-family	1 space per dwelling unit	None

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

(2)	Multiple-family:		
	a.	Within historic district	1 space per dwelling unit 10%
	b.	Outside historic district	2 spaces per dwelling unit 10%
(3)	Churches; public or private schools, libraries, or museums; public buildings; public or private auditoriums, community centers, theaters, facilities for spectator sports, trade institutions, transit facilities and other places of assembly	1 space per 5 seats or 1 space per 150 square feet of floor area in the main assembly hall, whichever is greater	10%, except libraries: 20%; public/private recreation, community centers, and city parking structures: 35%
(4)	Dormitories or single-room occupancy (SRO), roominghouses and/or boardinghouses	1 space for every 2 beds	35%
(5)	Day care centers, kindergartens, nursery schools and other preschool facilities	1 space per employee, with a minimum of 2 employee spaces, plus 5 spaces; or 1 space per employee plus 1 space for every 2 children enrolled; or 1 space for every 300 square feet of building areas, whichever is greater	10%
(6)	Marinas and offshore activities	1 space per liveaboard boat, plus 1 space per 4 pleasure boats stored on site, plus 1 space per 3 passengers based on the total capacity of commercially licensed vessels. The planning board may require additional parking spaces for dry storage slips. For offshore structures: 2 spaces, plus 1 space per 3 passengers based on the cumulative total capacity of	25%

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

		motorized watercraft and other seating associated with the permitted activities. No additional off-street parking shall be required for offshore activities operating as an accessory use to an approved principal upland shoreline use	
(7)	Motels, hotels and other transient lodging facilities	1 space per lodging unit plus 1 space for the owner or manager	35%
(8)	Private clubs and lodges	1 space per 5 seats or 1 space per 150 square feet within the main assembly area	10%
(9)	Restaurants, bars and lounges	1 space per 45 square feet of serving and/or consumption area	25%
(10)	Scooter, moped, etc., bicycle rental	1 space per 3 scooters, mopeds, etc., and bicycle rentals based on licensed capacity; or 1 space per 200 square feet of gross floor area, whichever is greater	10%
(11)	Hospitals	1 space for each 4 beds, plus 1 space for every employee, excluding doctors, on the largest shift, plus 1 space for each doctor	10%
(12)	Nursing or convalescent homes	1 space for each 4 beds	10%
(13)	Doctors' and dentists' offices or clinics	5 spaces per each doctor or dentist	10%
Use		Motorized Vehicles	Bicycles As % of Motor Vehicles

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

(14)	Funeral homes	1 space for each 8 seats of chapel capacity, plus 1 space for every 2 employees, plus sufficient parking area to accommodate each hearse	10%
(15)	Banks, public administration offices, office buildings and professional offices other than doctors' or dentists' offices	1 space per 300 square feet of gross floor area	25%
(16)	Retail stores and service establishments	1 space per 300 square feet of gross floor area	25%
(17)	Warehousing or manufacturing	1 space per 600 square feet of gross floor space	10%

(Ord. No. 97-10, § 1(3-15.2(A)), 7-3-1997)

**Sec. 108-573. Special provisions within historic commercial pedestrian-oriented area.**

- (a) *Description of area.* The area within the historic commercial pedestrian-oriented area shall include all land zoned HRCC-1; HRCC-2, excepting those properties east of Trumbo Road and Grinnell Street; HRCC-3; HNC-1, excepting all land located east of lots which front on the east side of Simonton Street; HNC-3; as well as the lands within the HRO district which is located immediately east of Truman Annex, the post office and the courthouse; the HNC-2 district abutting the south side of Caroline Street; and the three HPS districts located west of Simonton Street.
- (b) *Special off-street parking requirement.* Within the historic commercial pedestrian oriented area described in subsection (a) of this section, parking requirements shall be applied whenever:
- (1) New nonresidential floor area is constructed;
  - (2) New residential or transient residential units are constructed;
  - (3) The amount of nonresidential floor area is increased due to expansion of existing structure or conversion of residential floor area to nonresidential floor area; or
  - (4) The number of residential or transient residential units available is increased due to conversion of nonresidential uses to residential or transient residential uses or internal or external construction of additional residential or transient residential floor area.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

- (c) *Change of existing commercial pedestrian oriented uses.* No additional off-street parking shall be required within the historic commercial pedestrian-oriented area if a commercial structure is the subject of a change from one type of commercial use to another type of commercial use, so long as no additional or expanded floor area is created. However, the off-street parking regulations in this article shall apply to the following:
- (1) Additional floor area; or
  - (2) Any nonresidential floor area created after January 1, 1998, and converted to another use requiring more parking.

Any preexisting off-street parking serving the structure must be maintained to service the new use. Similarly, preexisting parking shall not be used as a site for additional floor area unless the total off-street parking required pursuant to this article is made available to accommodate the existing and new proposed floor area.

- (d) *Location of bicycle parking.* In the historic commercial pedestrian-oriented area, as part of development plan review pursuant to article II of this chapter, the city may approve the provision of bicycle parking in the right-of-way or in a public bicycle parking area.

(Ord. No. 97-10, § 1(3-15.2(B)), 7-3-1997; Ord. No. 00-04, § 16, 2-1-2000)

**Sec. 108-574. Substitution of bicycle parking spaces.**

An applicant for development plan approval pursuant to article II of this chapter may file a request for a variance to substitute additional bicycle parking (i.e., bicycle parking in excess of that required pursuant to [section 108-572](#)). The planning board may grant such variance upon a finding that such additional bicycle parking would be beneficial and would satisfy the specific conditions of sections [90-394](#) and [90-395](#). However, hardship conditions shall not be a mandatory condition of obtaining the subject variance. If the planning board determines the requested bicycle parking is compliant with the referenced criteria, the planning board shall require that such additional parking be located on a site within 100 feet of the subject site. Furthermore, in determining the appropriate substitution, four bicycle parking spaces shall be equivalent to one motorized vehicle parking space. All such approved bicycle parking spaces shall satisfy pavement, maintenance, and construction specifications of subdivision II of this division as well as bicycle parking, design, lighting, and security criteria of [section 108-643](#).

(Ord. No. 97-10, § 1(3-15.2(C)), 7-3-1997; Ord. No. 08-04, § 18, 5-20-2008)

**Sec. 108-575. Computation of parking spaces.**

In computing the number of required parking spaces, the following rules shall govern:

- (1) *Floor area calculation.* Floor area means gross floor area of a specific use. The gross floor area for a specific use includes common areas such as hallways, storage areas, restrooms, and similar areas.
- (2) *Interpretation of computation with fractions.* When calculation of required parking results in requiring a fractional space, any fraction shall be rounded off to the next highest number.
- (3) *Requirements for uses not identified.* The parking requirement for any use not specified shall be the same as that required for a use of a similar nature as recognized in this division or, where not recognized in this division, shall be based on criteria published by the American Planning

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

Association or similarly recognized standards of their profession, and such standard shall be approved by the city commission.

- (4) *Requirements for mixed uses.* For mixed uses the parking spaces shall be equal to the sum of the several uses computed separately.
- (5) *Applicability of standards to expanding uses.* Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.

(Ord. No. 97-10, § 1(3-15.3), 7-3-1997)

**Sec. 108-576. Location of off-street parking spaces.**

- (a) Unenclosed parking spaces may be located within a required yard, except that no parking may be located within the coastal control line setback as defined in [section 122-1148](#), and no parking may be located within any wetland buffer zones as set forth in [section 110-91](#). Parking areas required by activities other than residential may be located on the same lot as the principal structure or may be located all or in part on another lot. If located on another lot, such lot shall have an appropriate zoning designation and shall not be more than 500 feet, measured along a street, from the principal structure of the activity. Where parking is to be located on a separate lot, the applicant shall provide satisfactory evidence of a recorded deed restriction or recorded perpetual easement providing for such required parking on the designated site for the duration of the principal use.
- (b) Notwithstanding subsection (a) of this section, all required bicycle parking shall be located on site within 50 feet of primary entrances and not farther than the motor vehicle parking space nearest to such primary entrances. However, in the historic commercial pedestrian-oriented area, as defined in [section 108-573\(a\)](#), such distance may be exceeded when and if the location of the required bicycle parking is allowed in the public right-of-way or in a public bicycle parking area based on a component of a development plan approved pursuant to procedures stated in article II of this chapter. The 50 feet may also be exceeded if provision of required handicapped parking creates a conflict with this requirement. However, the location of the bicycle parking area under such conditions shall provide for safe and convenient access to the bicyclist.

(Ord. No. 97-10, § 1(3-15.3(F)), 7-3-1997)

**Sec. 108-577. Combined parking spaces.**

The required parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.

(Ord. No. 97-10, § 1(3-15.3(G)), 7-3-1997)

**Sec. 108-578. Driveways serving single-family dwellings.**

To meet the requirements for two parking spaces for each single-family dwelling, a driveway leading to a carport or garage may be considered a parking space if the driveway is at least 20 feet in length between the front lot line and the front of the carport or garage.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision I. In General

(Ord. No. 97-10, § 1(3-15.3(H)), 7-3-1997)

**Secs. 108-579—108-605. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision II. Parking Area Regulations

Subdivision II. Parking Area Regulations

[Sec. 108-606. Drainage plans for parking surfaces.](#)

[Sec. 108-607. Landscaping required.](#)

[Sec. 108-608. Site plan required.](#)

[Sec. 108-609. Use of parking areas for purposes other than parking prohibited.](#)

[Sec. 108-610. Lighting.](#)

[Sec. 108-611. Paving of parking surface, maintenance and construction specifications.](#)

[Secs. 108-612—108-640. Reserved.](#)

**Sec. 108-606. Drainage plans for parking surfaces.**

Adequate drainage shall be provided for all parking areas. Drainage plans shall be in compliance with this article and shall be approved by the city before construction is begun on any parking area.

(Ord. No. 97-10, § 1(3-15.4(D)), 7-3-1997)

**Sec. 108-607. Landscaping required.**

For parking areas containing more than five spaces, at least ten percent of the total area shall be landscaped and shall comply with article VI of this chapter.

(Ord. No. 97-10, § 1(3-15.4(E)), 7-3-1997; Ord. No. 00-04, § 17, 2-1-2000)

**Sec. 108-608. Site plan required.**

The construction of any off-street parking area shall require a site plan approved pursuant to article II of this chapter. The site plan shall include the site characteristics, including but not limited to elevation, slope, drainage, soil type and adjacent surface conditions, and the type and amount of anticipated traffic flow.

(Ord. No. 97-10, § 1(3-15.4(F)), 7-3-1997)

**Sec. 108-609. Use of parking areas for purposes other than parking prohibited.**

All parking areas shall be used for automobile parking only, with no motor vehicles sales or any other sales activity, dead storage, nonemergency repair work, dismantling or servicing of any kind.

(Ord. No. 97-10, § 1(3-15.4(A)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision II. Parking Area Regulations

**Sec. 108-610. Lighting.**

Parking areas designed for nighttime use shall have a system of lighting to provide adequate illumination for the entire parking area. Such lighting shall be directed away from adjacent residential properties and public ways. Energy conservation measures shall be employed, including directing light sources downward and away from the sky.

(Ord. No. 97-10, § 1(3-15.4(B)), 7-3-1997)

**Sec. 108-611. Paving of parking surface, maintenance and construction specifications.**

- (a) All parking areas shall be paved to meet city standards and maintained in perpetuity. The paving plan shall be approved by the administrative official before construction is begun on any parking area. The owner or successor in ownership shall be responsible for perpetual maintenance. This subsection shall be enforced by the city's code enforcement regulations.
- (b) Parking lots shall be paved with concrete or asphalt or, upon approval of the city engineer, with other dustfree, porous materials. Parking lots paved with concrete or asphalt shall be paved in accordance with the following specifications:
  - (1) *Asphalt.* Driveways, from the street to the property line, shall have an eight-inch limerock base and shall be paved with one inch of type III virgin asphalt. Parking lots with a stabilized subbase shall have a six-inch limerock base and shall be paved with one inch of type III virgin asphalt. Parking lots without a stabilized subbase shall have an eight-inch limerock base and shall be paved with one inch of type III virgin asphalt.
  - (2) *Concrete.* Driveways and parking lots excepting single-family and two-family structures shall be paved with six inches or 3,000-pound concrete.

(Ord. No. 97-10, § 1(3-15.4(C)), 7-3-1997)

**Secs. 108-612—108-640. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas

Subdivision III. Design and Specifications for Parking and Loading Areas

[Sec. 108-641. Driveways, aisles and stalls.](#)

[Sec. 108-642. Design of stalls for motor vehicles.](#)

[Sec. 108-643. Bicycle parking design, lighting and security criteria.](#)

[Sec. 108-644. Encroachment to entryways of buildings.](#)

[Sec. 108-645. Wheel stops.](#)

[Sec. 108-646. Compact car spaces.](#)

[Sec. 108-647. Accessibility standards.](#)

[Sec. 108-648. Entries, exits, drives and vehicle maneuvering areas.](#)

[Sec. 108-649. Required off-street loading spaces.](#)

[Sec. 108-650. Provision for handicapped parking and loading zones.](#)

[Secs. 108-651—108-675. Reserved.](#)

**Sec. 108-641. Driveways, aisles and stalls.**

The term "driveways" as used within the context of this article shall describe the entrance roadway used to connect the parking area with the nearest street. Driveways may be either one way or two way and shall be constructed to meet the minimum dimensions\* in the following table and in any case shall allow for the maneuvering of fire protection vehicles. Aisles are those circulation paths between rows or vehicles allowing access to the individual stalls. The aisles shall be designed to meet the minimum dimensions in the following table. However, when an aisle is coincident with a fire lane, the aisle must be a minimum of 20 feet wide to accommodate fire protection vehicles. Stalls (i.e., parking spaces) are the actual parking area designated for the storage of individual vehicles. The various angles for parking stalls are provided in the following table with their respective dimensions. In addition, the construction and delineation of stalls shall follow the standards outlined in sections [108-642](#) through [108-646](#).

\*Modifications. Forty percent of total spaces may have a width and length of 7.5 feet by 15 feet. The city commission may approve modifications upon demonstrated need by the applicant and based on recommendations of the city staff. In considering modification to the specifications required by this subdivision, the city commission shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper or an equivalent commonly accepted source of standards.

PARKING SPACE ANGLE

Dimension (feet)	45 Degrees	60 Degrees	<a href="#">90</a> Degrees	Parallel
---------------------	------------	------------	----------------------------	----------

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas

Width of stall	9	9	9	9
Length of stall	18	18	18	23
Width of aisle	14	18	24	14
Width of one-way driveway	14	14	24	14
Width of two-way driveway	20	20	24	20

(Ord. No. 97-10, § 1(3-15.5(A)), 7-3-1997)

**Sec. 108-642. Design of stalls for motor vehicles.**

Each parking stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public street in order to exit a parking stall. The internal design of the parking lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements. Internal circulation also shall be designed so as not to create conflict with access into or egress from the site and shall be consistent with the landscape requirements of this subpart B.

(Ord. No. 97-10, § 1(3-15.5(A)(1)), 7-3-1997)

**Sec. 108-643. Bicycle parking design, lighting and security criteria.**

Each bicycle parking space shall be at least two feet wide by six feet long with a seven-foot minimum vertical clearance. An access aisle at least five feet wide shall be provided and maintained beside or between rows of bicycle parking. A facility for bicycle parking shall offer security including either a lockable storage enclosure or a stationary rack to which the bicycle can be locked. Bicycle rack design must accommodate both U-shaped locks and cables and include such common shapes as an inverted "U" design or a "ribbon" design. Racks shall be securely anchored. Lighting shall also be provided in bicycle parking areas so that all bicycle facilities are thoroughly illuminated and no less illuminated than any motor vehicle parking stalls on site.

(Ord. No. 97-10, § 1(3-15.5(A)(2)), 7-3-1997)

**Sec. 108-644. Encroachment to entryways of buildings.**

No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three feet or more from the driveway or access aisle and appropriate improvements are provided to allow for safe pedestrian access to the door.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas

(Ord. No. 97-10, § 1(3-15.5(A)(3)), 7-3-1997)

**Sec. 108-645. Wheel stops.**

- (a) All paved parking spaces shall have lines between spaces to indicate individual stalls, and each stall shall be equipped with wheel stops or similar devices unless a waiver is granted by the city engineer.
- (b) Wheel stops for stalls adjacent to landscaped strips shall be located three feet from the front end of the stall to prevent encroachment into required landscaped areas. The front 2½ feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward open space requirements of this subpart B.
- (c) Wheel stops for stalls not adjacent to landscaped strips shall be located 3½ feet from the front end of the stall. The front three feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this subpart B.

(Ord. No. 97-10, § 1(3-15.5(A)(4)), 7-3-1997; Ord. No. 00-04, § 18, 2-1-2000)

**Sec. 108-646. Compact car spaces.**

Parking lots with 20 or more spaces may be comprised of a maximum of 15 percent compact car parking stalls. Such compact car stalls shall be 7½ feet wide by 15 feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.

(Ord. No. 97-10, § 1(3-15.5(A)(5)), 7-3-1997)

**Sec. 108-647. Accessibility standards.**

All publicly maintained and operated parking facilities intended for public use and all businesses, firms, or other persons licensed to do business with the public shall comply with requirements for access established in the Accessibility Requirements Manual published by the department of community affairs, state board of building codes and standards.

(Ord. No. 97-10, § 1(3-15.5(A)(6)), 7-3-1997)

**Sec. 108-648. Entries, exits, drives and vehicle maneuvering areas.**

- (a) All uses which are required to provide three or more off-street parking spaces shall have entryways and exitways and drives at least 20 feet in width to accommodate two-way traffic unless a one-way traffic system is utilized, in which case entryways and exitways and drives shall be at least 12 feet in width. If a one-way traffic system is utilized, appropriate traffic direction markers shall be installed. The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each parking and loading space and shall be arranged so that no vehicle need back onto a public right-of-way. Where three or more off-street parking spaces are required, no occupied parking or loading space shall interfere with access to any other parking or loading space. The design of parking facilities shall also comply with landscape requirements of article VI of this chapter.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas

- (b) No parking spaces or loading spaces required pursuant to sections [108-572](#) through [108-574](#) shall interfere with access to or along any pedestrian walkway.

(Ord. No. 97-10, § 1(3-15.5(B)), 7-3-1997)

**Sec. 108-649. Required off-street loading spaces.**

The following off-street loading spaces shall be provided for the uses indicated. All loading areas shall be designed in a manner which maintain all movements on site without entry directly into the right-of-way:

- (1) *Loading space dimensions.* Loading spaces required under this subdivision shall be at least 50 feet long and 12 feet wide.
- (2) *Required loading spaces.* Required loading spaces shall be as follows:
  - a. Every lot used for commercial or manufacturing purposes and having one or more buildings with a total floor area of at least 10,000 square feet and every lot used for office purposes on which there is one or more buildings having a total floor area of at least 20,000 square feet shall be provided with an off-street loading space.
  - b. Every hospital, institution, hotel, commercial or industrial building, or similar use having a floor area in excess of 10,000 square feet, requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one permanently maintained off-street loading space for each 10,000 square feet of gross floor area or fraction thereof.
  - c. Retail operations, wholesale operations, and industrial operations with a gross floor area of less than sufficient space, not necessarily a full berth, so as not to hinder the free movement of vehicles and pedestrians over a sidewalk, street or alley.
  - d. An additional off-street loading space shall be required for lots used for commercial or manufacturing purposes where the floor area of all buildings exceeds 100,000 square feet.

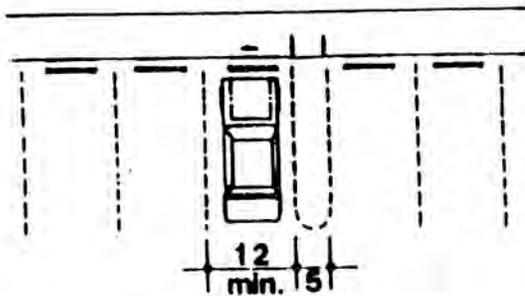
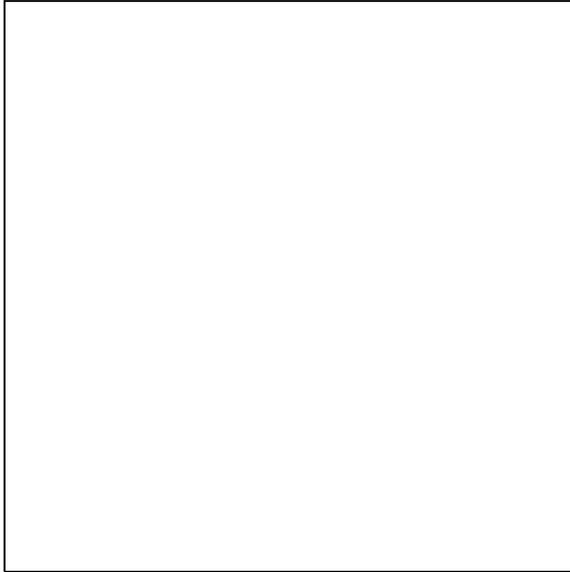
(Ord. No. 97-10, § 1(3-15.5(C)), 7-3-1997)

**Sec. 108-650. Provision for handicapped parking and loading zones. <sup>81</sup>**

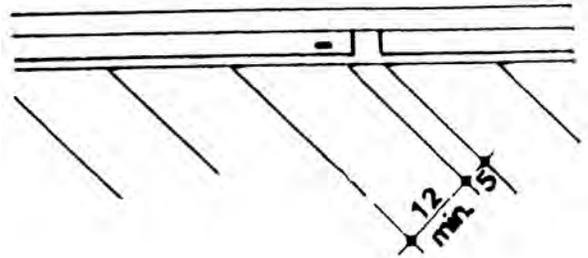
- (a) *Location.* Parking spaces designated for physically handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- (b) *Parking spaces.* Parking spaces shall be provided as follows:
  - (1) Any commercial real estate property owner offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to F.S. § 316.1958, 320.0842, 320.0843, 320.0845 or 320.0848.
  - (2) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide as shown in figure [108-650\(b\)\(2\)](#).

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas



**(a) Perpendicular**



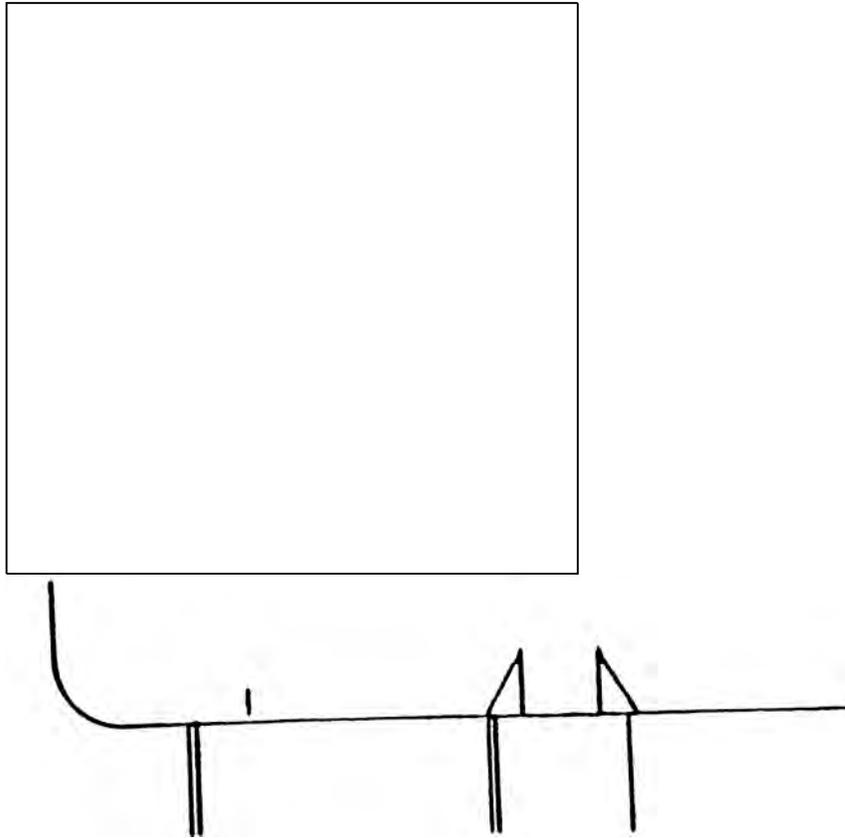
**(b) Diagonal**

*parking spaces 1*

- (3) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances as shown in figure [108-650\(b\)\(3\)](#). Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas

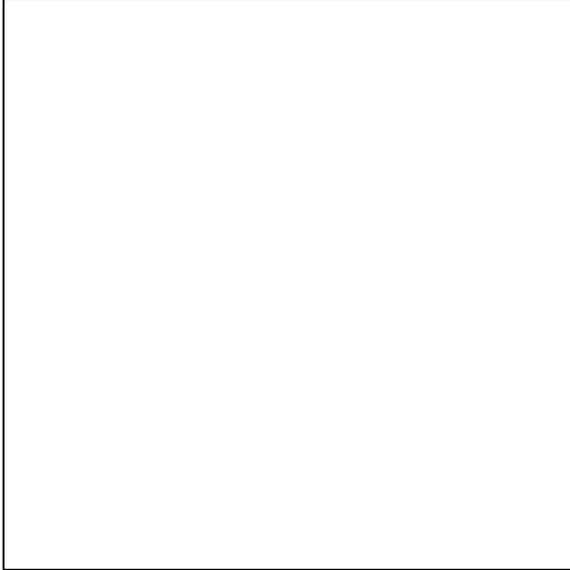


*parking spaces 2*

- (4) Each such parking space shall be conspicuously outlined in blue paint and shall be posted and maintained with a permanent, abovegrade sign bearing the international symbol of accessibility or the caption "Parking by Disabled Permit Only," or bearing both such symbol and caption as shown in figure [108-650\(b\)\(4\)](#). Such signs shall not be obscured by a vehicle parked in the space. All handicapped parking spaces must be signed and marked in accordance with the standards adopted by the state department of transportation.

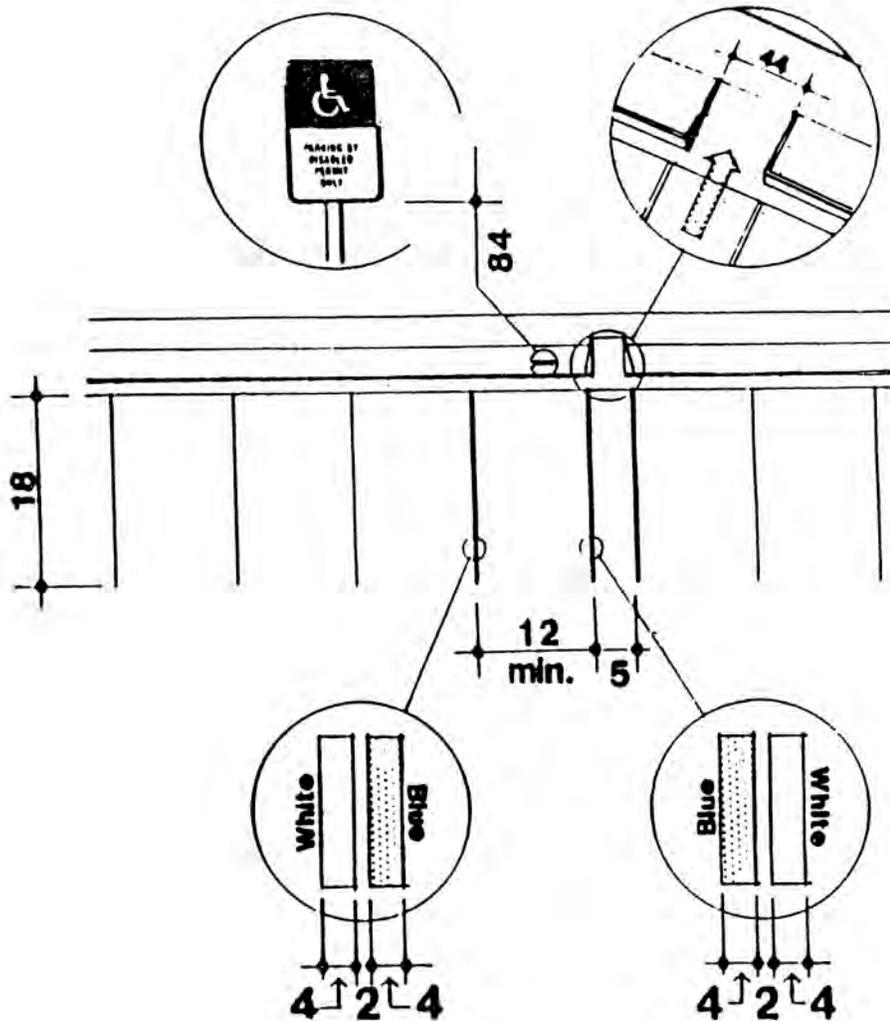
Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas



Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas



*parking spaces 3*

- (5) All spaces shall have an adjacent access aisle 60 inches wide minimum as shown in figure [108-650\(b\)\(2\)](#). Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with the accessible route section of the state board of building codes and standards, Accessibility Requirements Manual. Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.
- (6) All spaces shall have access to a curb ramp or curb cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VII. - OFF-STREET PARKING AND LOADING  
 DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas

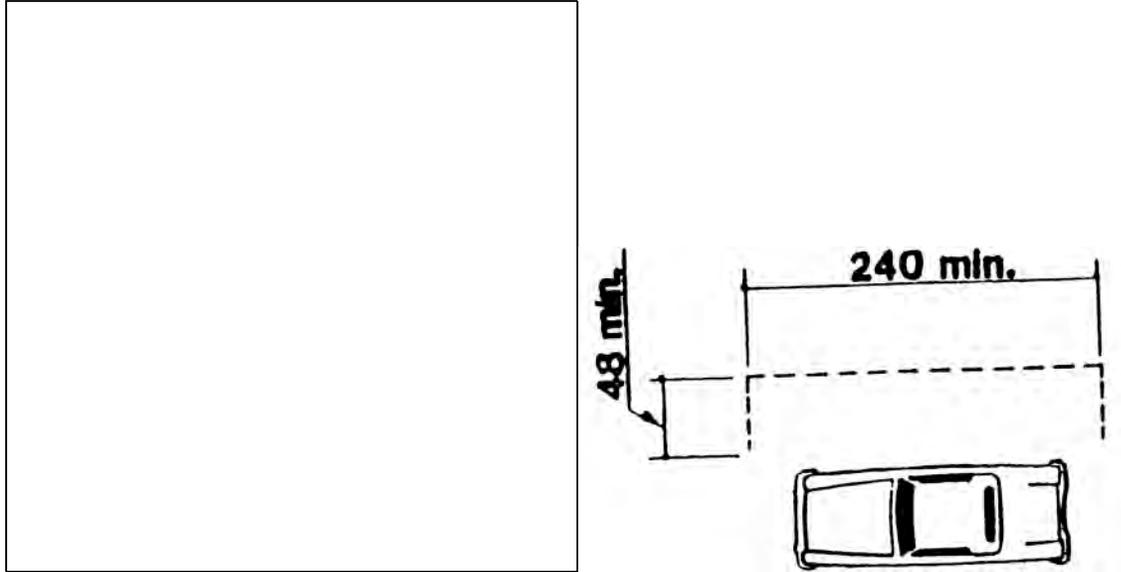
(7) The minimum number of such parking spaces shall comply with the following table:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25	1
<a href="#">26</a> to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

(c) *Passenger loading zones.* Passenger loading zones shall provide an access aisle at least 48 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space as shown in figure [108-650\(c\)](#). If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp complying with the curb ramp section of the state board of building codes and standards, Accessibility Requirements Manual, shall be provided. A minimum vertical clearance of 108 inches shall be provided at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING  
DIVISION 2. - REGULATIONS FOR REQUIRED SPACES

Subdivision III. Design and Specifications for Parking and Loading Areas



(d) *Fire lanes and zones.* Fire lanes and zones shall be provided pursuant to the city fire protection code.

(Ord. No. 97-10, § 1(3-15.5(D)), 7-3-1997)

**Secs. 108-651—108-675. Reserved.**

---

FOOTNOTE(S):

---

--- (8) ---

**Note**— Excerpt from the state board of building codes and standards, Accessibility Requirements Manual, department of community affairs, January 1990. ([Back](#))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 3. PARKING AND STORAGE OF CERTAIN VEHICLES

***DIVISION 3. PARKING AND STORAGE OF CERTAIN VEHICLES***

[Sec. 108-676. Definitions.](#)

[Sec. 108-677. Parking and storage of certain vehicles.](#)

[Sec. 108-678. Scope.](#)

[Sec. 108-679. Commercial vehicles.](#)

[Sec. 108-680. Recreational vehicles and boats.](#)

[Sec. 108-681. Camping vehicles and equipment.](#)

[Sec. 108-682. Parking and storage of recreational vehicles, boats and camping vehicles in multifamily developments.](#)

[Sec. 108-683. Exceptions.](#)

[Sec. 108-684. Enforcement.](#)

[Secs. 108-685—108-710. Reserved.](#)

**Sec. 108-676. Definitions.**

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

*Boat* means every description of watercraft, barge and air boat other than a seaplane, used or capable of being used as a means of transportation on or under the water.

*Boat trailer* means a trailer used for or designed for carrying boats.

*Bus* means any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

*Pole trailer* means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

*Recreational vehicle* means an item of tangible personal property designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

*Road tractor* means any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

*Semitrailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 3. PARKING AND STORAGE OF CERTAIN VEHICLES

*Straight truck* means any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

*Tandem trailer truck* means any combination of a truck tractor, semitrailer and trailer coupled together so as to operate as a complete unit.

*Trailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(Ord. No. 97-10, § 1(3-15.7(A)), 7-3-1997)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 108-677. Parking and storage of certain vehicles.**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(Ord. No. 97-10, § 1(3-15.6), 7-3-1997)

**Sec. 108-678. Scope.**

The parking of commercial vehicles (i.e., any vehicle licensed by the state as a commercial vehicle, including but not limited to trucks and tractor trucks, tandem trailer trucks, straight trucks, semitrailer trucks, road tractors, pole trucks, trailers, buses) and recreational vehicles, boats, trailers, and camping vehicles in residential districts shall be regulated as provided in this division.

(Ord. No. 97-10, § 1(3-15.7(B)), 7-3-1997)

**Sec. 108-679. Commercial vehicles.**

No commercial vehicles and accessory equipment, including trailers and the like, shall be parked at any time in any residential district unless actually engaged in temporary work or service on the premises. No commercial vehicle of more than 8,000 pounds gross vehicle weight or 20 feet in length shall be parked in any residential district overnight. There shall be no more than one commercial vehicle of any type parked overnight at any one residence in any residential district. Advertising signs with letters more than six inches in height on commercial vehicles parked within residential districts shall not be visible to the public from the property.

(Ord. No. 97-10, § 1(3-15.7(B)(1)), 7-3-1997)

**Sec. 108-680. Recreational vehicles and boats.**

With the exception of properties located in a single-family zoning district or medium density residential district, recreational vehicles, boats, trailers, and the like shall be parked within an enclosed structure, within a carport behind the front setback, within the required minimum rear yard or in the minimum side yard behind the front structure line of the main dwelling. If not located within an enclosed structure, the recreational vehicle, boat and/or trailer shall be screened by a fence and/or plant vegetation of sufficient height and opaqueness so that the vehicle, boat, and/or trailer cannot be seen from a location off the site. A recreational vehicle, boat, and trailer, and the like must be for the resident's individual use or related to employment.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 3. PARKING AND STORAGE OF CERTAIN VEHICLES

(Ord. No. 97-10, § 1(3-15.7(B)(2)), 7-3-1997; Ord. No. 12-27, § 1, 8-21-2012)

**Sec. 108-681. Camping vehicles and equipment.**

- (a) With the exception of properties located in a single-family zoning district or medium density residential district, no vehicle or equipment primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, or self-propelled motor homes shall be parked forward of the front building line.
- (b) All automobile trailers, recreational vehicles and the like occupied for living quarters in the city shall be parked in a regularly licensed trailer park.

(Ord. No. 97-10, § 1(3-15.7(B)(3)), 7-3-1997; Ord. No. 12-27, § 2, 8-21-2012)

**Sec. 108-682. Parking and storage of recreational vehicles, boats and camping vehicles in multifamily developments.**

In addition to the general requirements in sections [108-678](#) through [108-681](#), multifamily residential developments, excluding two-family residences, shall be regulated as follows:

- (1) Recreational vehicles, boats, and camping vehicles in multifamily residential areas of 25 dwelling units or more (i.e., apartment and condominium structures) shall be parked only in areas specifically designated for such parking purposes.
- (2) Any multifamily development with 25 dwelling units or more shall provide a minimum of one space per 25 units for the purpose of parking and storing of recreational vehicles, boats and/or trailers. Any fraction of 25 shall require spaces rounded up to the next whole number.
- (3) The designated area for storing recreational vehicles identified in this section shall be at a distance most remote from the dwelling units. The parking area shall be screened with plant material, decorative walls, fences, berms or any combination thereof, in an effort to diminish any visual impact the area may have on the rest of the site.
- (4) The designated area for storing recreation vehicles, boats, and/or trailers shall be a paved surface consistent with the rest of the parking area within the development and shall provide ample ingress and egress and space for easy maneuverability for the type of vehicles and equipment using the area.

(Ord. No. 97-10, § 1(3-15.7(C)), 7-3-1997; Ord. No. 12-27, § 3, 8-21-2012)

**Sec. 108-683. Exceptions.**

Exceptions to this division shall be as follows:

- (1) *Commercial vehicles and equipment on residential property.* Commercial vehicles and equipment driven home as a job requirement by employees of the government, private utility companies, or for emergency use may be parked on residential property. Further, vehicles being used for routine deliveries or construction services may be parked on residential property while in the routine course of business.
- (2) *Commercial vehicles and equipment in nonresidential districts.* Commercial vehicles and equipment may be parked on a lot in a district zoned other than residential so long as the vehicles are in regular use by the business located upon the premises. Further, vehicles being

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 3. PARKING AND STORAGE OF CERTAIN VEHICLES

used for routine deliveries or construction services may be parked on nonresidential property while in the routine course of business.

- (3) *Recreational vehicles.* Recreational vehicles in districts other than single-family (SF) or medium density residential (MDR) zoning districts may be parked on a residential premise for a period not to exceed 24 hours during loading and unloading. No such vehicle shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- (4) *Recreational vehicle, boats and/or trailers in single-family (SF) or medium density residential (MDR) zoning districts.*
  - (a) Properly registered and licensed recreational vehicles, boats and or trailers may be parked and/or stored on the property without the requirement for structural or vegetative screening or storage within an enclosed structure, with the provision that no part of the recreational vehicle, boat and/or trailer extends into a public right-of-way or an adjoining property.

(Ord. No. 97-10, § 1(3-15.7(D)), 7-3-1997; Ord. No. 12-27, § 4, 8-21-2012)

**Sec. 108-684. Enforcement.**

The provisions of this division are not complaint driven. Such provisions shall be uniformly and indiscriminately enforced by the Key West Police Department, Key West Parking Division and Key West Code Compliance Department.

(Ord. No. 12-27, § 5, 8-21-2012)

**Secs. 108-685—108-710. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE VIII. STORMWATER AND SURFACE WATER MANAGEMENT

**ARTICLE VIII. STORMWATER AND SURFACE WATER MANAGEMENT** <sup>[9]</sup>

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - PERMITS](#)

[DIVISION 3. - REVIEW CRITERIA](#)

[DIVISION 4. - RESERVED](#)

---

FOOTNOTE(S):

---

--- (9) ---

**Cross reference**— Water and water management, § 74-276 et seq. [\(Back\)](#)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Sec. 108-711. Applicability.](#)

[Sec. 108-712. Purpose.](#)

[Sec. 108-713. Intent.](#)

[Sec. 108-714. Definitions.](#)

[Sec. 108-715. Prohibited activity.](#)

[Sec. 108-716. Exemptions.](#)

[Sec. 108-717. Construction of driveways, swales and other improvements affecting drainage.](#)

[Sec. 108-718. Gravity injection wells as alternative to article requirements.](#)

[Sec. 108-719. Duties of city engineer.](#)

[Sec. 108-720. Administration.](#)

[Secs. 108-721—108-745. Reserved.](#)

**Sec. 108-711. Applicability.**

The surface water management regulatory sections established in this article shall apply to all development within the city.

(Ord. No. 97-10, § 1(3-12.1), 7-3-1997)

**Sec. 108-712. Purpose.**

The purpose of the surface water management policy is to:

- (1) Protect the health, safety, and welfare of the citizens of the city;
- (2) Implement those drainage objectives and policies found in the public facilities element of the city's comprehensive plan;
- (3) Ensure protection of land and improvements together with natural resources through the use of responsible stormwater management and flood protection practices;
- (4) Ensure replenishment of the city's surficial aquifer system and provide a continuing usable water supply; and
- (5) Ensure compliance with level of service criteria and concurrency management policies established in the comprehensive plan.

(Ord. No. 97-10, § 1(3-12.2), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

**Sec. 108-713. Intent.**

The surface water management requirements are intended to complement regulations of the state department of environmental protection (DEP) including but not limited to those found in F.A.C. ch. 17-25, entitled "Regulation of Stormwater Discharge," and the surface water management rules of the South Florida Water Management District, all as adopted or as may be amended from time to time. Approval of a stormwater management system under this article shall not relieve any applicant of the necessity to obtain required permits or approvals from other state, regional, or local agencies, including specifically but not limited to observance of the state department of environmental protection permitting requirements for use of the "landward extent of waters of the state," as defined in F.A.C. 17-4.02(17). If a conflict occurs between the city regulations and state regulations, the more restrictive regulations shall prevail.

(Ord. No. 97-10, § 1(3-12.3), 7-3-1997)

**Sec. 108-714. Definitions.**

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

*Adverse impacts* means any modifications, alterations or effects upon a feature or characteristic of water or floodprone land, which are or potentially may be harmful or injurious to water resources and environmentally sensitive areas, as well as human health, welfare, safety or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

*Alter* and *alteration* mean any work beyond maintenance of the original condition including additions to an existing system; changes of any part of an existing system to capacities or locations different from those originally constructed; and changes in the rate, volume, or timing of discharges.

*Best management practice (BMP)* means the best management practices for stormwater which are those which meet discharge quantity and quality criteria as contained in Manual of Stormwater Management Practices, and future amendments, as prepared for the county by the South Florida Regional Planning Council.

*Coastal high hazard area*, as defined in F.A.C. 9J-5.003(19), means the coastal high hazard area which shall encompass the evacuation zone for a category 1 hurricane as established in the regional hurricane evacuation study applicable to the city.

*Control elevation* means the lowest elevation at which water can be released through the discharge structure.

*Detention* and *to detain* mean the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater to the receiving waters, in which the capacity for the specified treatment volume of stormwater is again provided within 72 hours following a storm event. On-line detention is temporary storage along the axis of the drainage system, whereas off-line detention is temporary storage at a location away from the system's direct path.

*Detention, dry*, means water storage with the bottom elevation at least one foot above the control elevation. Sumps, swales, and other minor features may be at a lower elevation.

*Detention, wet*, means water storage with the bottom elevation lower than one foot above the control elevation of the system.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

*Development project* means any manmade change or improvement to land which increases the amount of impervious cover or results in the change in elevation of any portion of the land or changes the existing stormwater system and flood management system. A development project includes but is not limited to all projects which require site plan or subdivision approval under the city's land development regulations.

*Discharge* means the outflow of water from a project site, drainage basin or other facility.

*Drainage system, artificial,* means any canal, ditch, culvert, dike, storm sewer or other manmade facility which tends to control the surface flow of water.

*Drainage system, natural,* means surface streams or marshes which convey water to natural points of drainage.

*Elevation* means height in feet expressed in relation to mean sea level and referenced to the National Geodetic Vertical Datum (NGVD).

*Filtration and to filter* mean the selective removal of suspended matter from stormwater by passing the water through suitable fine textured granular media such as porous soil, sand and gravel or other natural or artificial aggregate, which may be used in conjunction with filter fabric or underdrain pipe or both.

*Flood and flooding* mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation of runoff or surface waters from any source.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

*Floodway* means the normal channel of a watercourse and the adjacent land areas that must remain unobstructed to convey the regulatory flood discharge without raising flood elevations above specified levels as determined in [section 108-794\(3\)d](#).

*Hydrograph* means a graph of discharge or, for the purposes of this article, volume of stormwater, versus time.

*Impervious surface* means a surface which is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, porous and nonporous parking lots and other similar structures.

*Legal positive outfall* means the availability of a permanent and legally established watercourse or similar facility or means which has the hydraulic capability of conveying the stormwater discharge from a development project to receiving waters downstream. The term "legally established watercourse" refers to a watercourse which is established by either an express easement, plat dedication, or other documentation, or implied easement or servitude as may be demonstrated to exist in accordance with state law.

*Lowest floor* means the top surface of the lowest area within the inside perimeter of the exterior walls of a building. For slab-on-grade type buildings or buildings with basements, the top surface of the slab or basement floor would constitute the lowest floor. For footing, foundation walls, or pile-type buildings with

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

crawl spaces under the building without a basement, the top surface of the finished flooring above the horizontal joist, beam or other supporting member would constitute the lowest floor.

*Maintain* and *maintenance* mean to keep in an acceptable state of performance and repair as determined by the city engineer. The city engineer shall determine if the performance standards of the respective water management plans are maintained. The type and height of aquatic vegetation shall be secondary to the integrity of the water management plan.

*Mangrove stand* means an assemblage of one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

*Master stormwater management plan* and *master plan* mean an engineering plan, written report, or engineering drawing outlining the primary and secondary drainage and stormwater treatment facilities needed for the proper development of a specific increment of the incorporated area of the city.

*National Geodetic Vertical Datum (NGVD)*, as corrected in 1929, means a vertical control used as a reference for establishing varying elevations within the floodplain.

*Regulatory flood* means the 100-year flood. The 100-year flood is that flood which has, on the average, a one-percent probability of being equalled or exceeded in any given year, as indicated on the official city flood hazard map.

*Retention* and *to retain* mean the prevention of or to prevent the discharge of a given volume of stormwater runoff into surface waters of the state by complete on-site storage where the capacity to store the given volume of stormwater is again provided within 72 hours following the storm event. The required storage volume must be provided by a decrease of stored water caused by percolation through soil, evaporation, evapotranspiration, or spray irrigation. Retention shall be off-line (i.e., outside of the primary drainage path), unless it is demonstrated by the applicant that water quality in the receiving waters will not be adversely impacted by on-line retention. Wet retention refers to an area the lowest elevation of which penetrates the dry season groundwater table. Dry retention refers to an area the lowest elevation of which lies at least two feet above the wet season groundwater table.

*Sediment* means fine particulate material which is capable of gravity settlement, whether mineral or organic, and which is in suspension or has settled in a waterbody.

*Stormwater and flood management system* means a system of natural or artificial waterbodies or watercourses which stores, conveys and/or treats water. The system generally includes a dam, impoundment, reservoir, inlet, pipe, swale, ditch, appurtenant works, or a combination thereof that is intended to provide drainage, water storage conveyance, prevent or impair inundation, or other water management capabilities in and for a discrete area or a work that traverses waters in the city. A system may be designed and constructed in phases.

*Water* means all water on or beneath the surface of the ground including natural or artificial watercourses, lakes, ponds, or diffused surface water and water standing, percolating or flowing beneath the surface of the ground, as well as all coastal waters within the city.

*Waterbody* means any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

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

*Watershed* means a drainage area or drainage basin contributing to the flow of water directly or indirectly into receiving waters.

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

*Wetland.* Wetlands shall be defined based on hydrology as well as hydric soil and wetland vegetation. Wetlands include transitional wetlands and include those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances do or would support a prevalence of vegetation typically adapted for life in saturated soil conditions. The following vegetative species are wetland species commonly found in the city, although the applicable state and federal list of jurisdictional wetland vegetation shall apply:

Common Name of Wetland Species	Specific Name
Black mangrove	Avicennia germinas
White mangrove	Laguncularia racemosa
Red mangrove	Rhizophora mangle
Buttonwood	Conocarpus erectus
Saltwort	Batis maritima
Glasswort	Salicornia spp.
Sea purslane	Sesuvium portulacastrum
Sea blite	Suaeda linearis
Sea oxeye daisy	Borrichia spp.
Salt grass	Distichlis spicata
Dropseed	Sporobolus virginicus
Key grass	Monanthochloe
Fringe-rushes	Fimbristylis spp.
Cordgrass	Spartina spartinae

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

Sawgrass	Cladium jamaicewsis
Spike rush	Eleocharis celluosa
Cattail	Typha spp.

Wetland jurisdictional determinations shall be consistent with those of the state department of environmental protection, the South Florida Water Management District and the U.S. Army Corps of Engineers.

(Ord. No. 97-10, § 1(3-12.4), 7-3-1997)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 108-715. Prohibited activity.**

- (a) It shall be illegal and subject to the penalties provided in this subpart B for any person to construct or arrange for, authorize, or participate in the construction of a development project within the incorporated area of the city without first obtaining a valid permit to construct either a stormwater management system (referred to as a "type A permit") or a flood protection-stormwater management system, when applicable, (referred to as "type B permit") pursuant to this article.
- (b) It shall be illegal and subject to the penalties provided in this subpart B for any person to construct any structure in such a manner as to impede the functioning of a drainage system that is (i) publicly maintained or (ii) located on private property and is a part of a drainage system serving more than one owner when such system is located in an easement which exists for the benefit of other landowners. Notwithstanding, this subsection shall also apply to natural tributaries for which no designated easement exists. A structure which meets the requirements of the city standard specifications for the construction of public facilities and physical improvements shall not impede the functioning of the drainage system.

(Ord. No. 97-10, § 1(3-12.5), 7-3-1997)

**Sec. 108-716. Exemptions.**

The following activities shall be exempt from the surface water management permitting requirements established in this article:

- (1) Bona fide agricultural uses except when an artificial drainage system will be used to increase the flow of surface water from the applicant's land to a city-maintained drainage system, or when the particular agricultural use requires site plan approval.
- (2) Maintenance work performed on existing mosquito control canals or impoundment areas.
- (3) Any maintenance, alteration, renewal, repair, use or improvement of an existing structure or the construction of any structure or modification thereto which does not create an impervious

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

surface exceeding 500 square feet. This shall not exempt the applicant from retaining the first one inch of rainfall on site as required by F.A.C. 17-25.

- (4) A change to any part of an existing drainage system without changing the flow characteristics of the artificial watercourse.
- (5) All activities by a water management district, drainage district, or water control district established under the laws of the state and all activities undertaken by the state.
- (6) These surface water management policies shall not be construed to prevent the doing of any act otherwise lawful and necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property. A report of any such emergency action shall be made to the city engineer by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than ten days following such action. Remedial action may be required by the city engineer, subject to appeal to the city commission in a dispute.

(Ord. No. 97-10, § 1(3-12.6), 7-3-1997)

**Sec. 108-717. Construction of driveways, swales and other improvements affecting drainage.**

- (a) The design of new or existing driveways or other elements within the circulation system potentially impacting drainage shall be approved by the city engineer prior to commencement of construction or excavation activity. Review by the city engineer is necessary in order to ensure that:
  - (1) New driveways and other elements of the circulation system provide adequate drainage, swales, ditches or similar storm water channels; and
  - (2) Improvements to existing driveways or other elements of the circulation system are designed to protect and/or enhance existing or planned drainage improvements, as deemed appropriate by the city engineer.
- (b) Driveways are encouraged to be paved and culverts shall be designed to meet state department of transportation standards. The city engineer shall administer this section based on generally accepted engineering principles and practices.

(Ord. No. 97-10, § 1(3-11.9), 7-3-1997)

**Sec. 108-718. Gravity injection wells as alternative to article requirements.**

The city engineer may, where appropriate, require the use of gravity injection wells for stormwater management instead of the requirements set forth in this article. Gravity injection wells offer an important benefit because they reduce the discharge of stormwater directly to economically valuable and environmentally sensitive coastal receiving waters. At a minimum gravity injection wells shall meet the following criteria:

- (1) *Baffle box and pretreatment.* All gravity injection wells shall have a baffle box in order to capture sediment and floatable material from stormwater flows. The baffle box shall meet all design standards established by the city engineer. Where possible, stormwater shall be pretreated through swales and/or ponds, in conjunction with the baffle box, prior to entering the gravity injection well. All pretreatment shall meet South Florida Water Management District standards.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

- (2) *Depth.* All gravity injection wells within the city shall be 90 feet to 100 feet in depth, and the first 60 feet below the surface shall be cased. The casing material shall be approved by the city engineer. The remaining 30 feet or more shall be open to allow for exfiltration of the stormwater. The width of the gravity injection well shall depend on the amount of stormwater to be managed.
- (3) *Permits.* All permits for gravity injection wells shall be approved by the state department of environmental protection and the city engineer. The city shall not approve any development plan utilizing a gravity injection well unless documentation showing the state department of environmental protection's authorization is submitted to the city engineer.
- (4) *Maintenance.* All development plans using a gravity injection well and baffle box shall include an agreement acceptable to the city engineer for perpetual maintenance by the owner or successor in ownership.

(Ord. No. 97-10, § 1(3-12.12), 7-3-1997)

**Sec. 108-719. Duties of city engineer.**

The city engineer shall perform the following specific duties under this article:

- (1) *Render professional determinations.* Make all professional engineering determinations required with respect to analysis of any given application.
- (2) *Provide recommendation on modifications.* Recommend appropriate courses of action regarding any requested changes or amendments to an approved stormwater management plan.
- (3) *Provide necessary information.* Provide a courtesy notice as to the general description and location of newly constructed wet or dry retention facilities to special districts or political entities as may be appropriate.
- (4) *Certificates of completion.* After the completion of a project, require as-built plans from the owner or applicant and a certificate of completion from the engineer of record.
- (5) *Maintenance recommendations.* Any surface water management improvements required by the land development regulations shall be maintained by the owner, successor owners, or an entity designated by the owner, except that the city engineer may recommend that the city commission accept certain drainage facilities or systems for city maintenance. The selection of critical areas or structures to be maintained by the city shall be recommended to the city commission by the city engineer. All areas or structures to be maintained by the city must be dedicated to the city by plat or separate instrument and expressly accepted by the city commission. For any system which is to be maintained by the applicant or entity succeeding in ownership other than the city, easements shall be established which permit the city to inspect and if necessary, as determined by the city, to take corrective action if the entity fails to properly maintain the system. Such easements shall also establish a right of entry as may be necessary for special purposes as directed by state laws or as may be duly determined by the city. If the applicant or entity succeeding in ownership fails to properly maintain a system as required, the city engineer shall give the applicant or entity succeeding in ownership written notice of the nature of the corrective action necessary. If the applicant or entity succeeding in ownership fails, within 30 days from the date of the notice to take or commence taking corrective action to the satisfaction of the city engineer, the city may enter upon lands and take corrective action, and the cost of such corrective action shall become a lien on the property benefitted.

(Ord. No. 97-10, § 1(3-12.13(A)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 1. GENERALLY

**Sec. 108-720. Administration.**

The city engineer or other designated city official shall have authority to administer this article and shall perform the following specific duties:

- (1) *Determine adequacy of information.* Determine any additional information that must be submitted for flood management review.
- (2) *Determine completeness of applications and evaluation.* Review applications for compliance with the standards of surface water management policies of this article, after input from the administrative staff and the city attorney as to those matters within their professional disciplines, and either approve, approve with conditions, or deny the application based on that review. If application approval is denied, the city engineer shall state the reasons for denial.
- (3) *Filing of building plans.* The building official shall maintain a record of the actual, as-built elevation or floodproofing of all buildings constructed after flood management review.
- (4) *Coordinating review functions.* Coordinate the review with other permitting agencies, if necessary.

(Ord. No. 97-10, § 1(3-12.13(B)), 7-3-1997)

**Secs. 108-721—108-745. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 2. PERMITS

***DIVISION 2. PERMITS***

[Sec. 108-746. Preliminary application.](#)

[Sec. 108-747. Review procedures for type A or B permit applications.](#)

[Sec. 108-748. Review procedures for type C permit applications.](#)

[Secs. 108-749—108-775. Reserved.](#)

**Sec. 108-746. Preliminary application.**

Any person in doubt as to whether a proposed activity requires a permit under this article may request a review by the city engineer upon completion of a preliminary application form supplied by the city clerk. No fee may be charged for the preliminary application pursuant to city commission resolution. The preliminary application form shall be filed by the owner/applicant and shall contain the following elements: (i) a location map; and (ii) a statement and sketch expressing the intent and scope of the proposed project. The completed preliminary application shall be submitted to the city engineer for review. Within ten working days after submission of the complete preliminary application, the city engineer will notify the applicant that either the project is approved, is exempt, or a formal permit application must be filed for the project.

(Ord. No. 97-10, § 1(3-12.11(A)), 7-3-1997)

**Sec. 108-747. Review procedures for type A or B permit applications.**

If a type A or type B permit is required for the project, the applicant shall furnish all required stormwater management information, together with flood protection information, if applicable, to the city engineer on forms furnished by the city clerk. The requirements of the surface water management policies shall be administered during the site plan review processes, as provided in article II of this chapter, if the project requires site plan review. If the applicant is subdividing, administrative provisions for administrating subdivision review shall apply.

(Ord. No. 97-10, § 1(3-12.11(B)), 7-3-1997)

**Sec. 108-748. Review procedures for type C permit applications.**

If a type C permit is required for the project, the applicant shall furnish all necessary flood protection information to the city engineer on forms furnished by the city clerk. The application shall be reviewed by the city engineer within ten working days of receipt of the application. The city engineer's recommendation shall be submitted to the planning board for approval. The decision of the planning board may be appealed to the city commission pursuant to procedures cited in the administrative procedures of this subpart B. In reviewing such permit application, the planning board, and the city commission in appeal cases, shall consider the recommendations of the city engineer as well as criteria cited in this article and the applicant's plan and supportive data. No development shall be approved if such development will result in an increase in the elevation of the regulatory flood, additional threats to public safety, extraordinary public expense, nuisance impacts, or violation of the public interest or local ordinance. A fee schedule may be established by resolution of the city commission.

(Ord. No. 97-10, § 1(3-12.11(C)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 2. PERMITS

**Secs. 108-749—108-775. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

***DIVISION 3. REVIEW CRITERIA***

[Sec. 108-776. Criteria for type A permit.](#)

[Sec. 108-777. Water quality criteria.](#)

[Sec. 108-778. Water quantity criteria.](#)

[Sec. 108-779. Construction criteria—Generally.](#)

[Sec. 108-780. Same—Discharge structures.](#)

[Sec. 108-781. Same—Dry retention/detention areas.](#)

[Sec. 108-782. Same—Wet retention/detention areas.](#)

[Sec. 108-783. Same—Impervious areas.](#)

[Sec. 108-784. Same—Stagnant water conditions.](#)

[Sec. 108-785. Same—Disposition of storm-water runoff.](#)

[Sec. 108-786. Same—Material specifications for culverts and storm sewers.](#)

[Sec. 108-787. Same—Inlets.](#)

[Sec. 108-788. Same—Drainage structures.](#)

[Sec. 108-789. Same—Control of temporary ponding.](#)

[Sec. 108-790. Same—Facilities impacting roads.](#)

[Sec. 108-791. Same—Water management tracts.](#)

[Sec. 108-792. Same—Watershed areas.](#)

[Sec. 108-793. Same—Impacts on drainage districts.](#)

[Sec. 108-794. General criteria.](#)

[Secs. 108-795—108-820. Reserved.](#)

**Sec. 108-776. Criteria for type A permit.**

All developments not exempted pursuant to [section 108-716](#) are required to obtain a type A permit. No type A permit to construct a development project shall be issued unless the criteria in this division are met.

(Ord. No. 97-10, § 1(3-12.7), 7-3-1997)

**Sec. 108-777. Water quality criteria.**

All new surface water management systems will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to state water quality standards established in F.A.C. ch. 17-302. Developments which plan to utilize outstanding Florida waters for discharge of stormwater will be given more detailed evaluation by the city staff. The following criteria shall be met:

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

- (1) *Discharge.* Projects shall be designed so that discharges will meet state water quality standards, as set forth in F.A.C. ch. 17-3.
- (2) *Retention/detention criteria.* Retention and detention criteria shall be as follows:
  - a. The first flush of runoff contains the majority of pollutants. As a minimum, the amount of water to be treated in a stormwater management system shall be equal to the first inch of runoff or 2.5 inches times the percent of impervious coverage. Commercial or industrial projects shall provide at least one-half inch of dry detention or retention pretreatment as part of the required retention/detention.
  - b. Systems with inlets in grassed areas will be credited with up to 20 percent of the required wet detention amount for the contributing areas. Full credit will be based on a ratio of 10:1 pervious area runoff to impervious areas with proportional credit granted for greater ratios. Grassed areas must be permanently protected from vehicular use and structural encroachment.
  - c. Projects having greater than 40 percent impervious area which discharge directly to sensitive receiving water shall provide dry detention or retention pretreatment equal to 50 percent of the total required, depending on the arrangement of on-site facilities. Sensitive receiving waters are defined as:
    1. Class I or class II waters.
    2. Class III, outstanding Florida waters.
    3. Canals connecting with these waters.
  - d. Water surfaces can be deducted from site areas for water quality pervious/impervious calculations.
- (3) *Master drainage plan for subdivisions.* Projects to be subdivided for sale are required to have installed by the permittee, as a minimum, a stormwater management system which provides for a master stormwater collection and conveyance system to interconnect the retention/detention system with the outfall, with access points to the system available to each individual lot or tract. The systems shall be sized to limit discharge under design conditions to the allowable discharge. Projects permitted in such a manner may require deed restrictions which identify to lot or tract purchasers the amount of additional on-site stormwater management necessary to provide flood protection for specific design events and any additional retention/detention required for water quality proposed.

(Ord. No. 97-10, § 1(3-12.7(A)), 7-3-1997)

**Sec. 108-778. Water quantity criteria.**

All new stormwater management systems will be evaluated on the ability of the system to prevent flooding of on-site structures, adjacent properties, roads, and road rights-of-way based upon antecedent rainfall conditions. The following criteria shall be met:

- (1) *Discharge.* Off-site discharge is limited to amounts which will not cause adverse off-site impacts. These amounts are:
  - a. Historic discharges based on natural site drainage patterns; or
  - b. Amounts determined in previous South Florida Water Management District or county permit actions.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

- (2) *Drainage and flood protection criteria.* The surface water management system shall be designed using a 24-hour rainfall duration and 25-year return frequency in computing allowable off-site discharge rate. The applicant shall also provide data indicating the effect of a 25-year, 72-hour storm on the development project as proposed. If the more intense storm event will cause drainage problems for the proposed surface water management system, than city staff shall require the surface water management system to be designed for the 25-year, 72-hour storm event instead of the 25-year, 24-hour storm event. Flood protection and floodplain encroachment standards shall be those established in this subpart B. If post-development conditions are such that a volume greater than the retention and/or detention volume required for stormwater management is already being retained on site, that condition will be maintained.

(Ord. No. 97-10, § 1(3-12.7(B)), 7-3-1997)

**Sec. 108-779. Construction criteria—Generally.**

Construction of all new stormwater management systems shall meet the criteria in sections [108-780](#) through [108-793](#).

(Ord. No. 97-10, § 1(3-12.7(C)), 7-3-1997)

**Sec. 108-780. Same—Discharge structures.**

Discharge structures for new stormwater management systems shall comply with the following:

- (1) All design discharges from the site shall be made through and controlled by structural discharge facilities. Earth berms shall be used only to disperse or collect sheet flows from or to ditches, swales, or other water channels, served by discharge structures.
- (2) Discharge structures shall be constructed so that they are stationary.
- (3) Discharge structures shall include gratings for safety and maintenance purposes. Removal of trash is mandatory if the stormwater management system discharges into surface waters and/or outstanding Florida waters.
- (4) Discharge structures shall include a method which would allow discharge from the middle of the water column and shall include a cleanable jump area for the sediment removal. Discharge structures for areas with greater than 50 percent impervious area or systems with inlets in paved areas shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from passing through the structure.
- (5) Direct discharges, such as through culverts, storm drains, or weir structures, will normally be allowed to receive waters which, by virtue of their large capacities and configuration, are easily able to absorb concentrated discharges. Such receiving waters might include existing storm sewer systems and manmade ditches, canals, the bay, channels, and the ocean.
- (6) Indirect discharges, such as overflow and spreader swales, are required where the receiving water or its adjacent supporting ecosystem might be degraded by a direct discharge. The discharge structure would therefore discharge into the overflow, spreader swale, or other channel, which in turn would release water to the actual receiving water. Such receiving waters might include marshes, wetlands, salt marshes, and land naturally receiving overland sheet flow.

(Ord. No. 97-10, § 1(3-12.7(C)(1)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

**Sec. 108-781. Same—Dry retention/detention areas.**

This section is not applicable to natural or mitigation wetland areas. All dry retention/detention areas for new stormwater management systems shall comply with the following criteria:

- (1) Dry retention/detention areas shall allow for the return of the groundwater level in the area to the control elevation.
- (2) On-site mosquito control ditches or other appropriate features for such purposes shall be incorporated into the design of dry retention/detention areas.
- (3) The design of dry retention/detention areas shall incorporate considerations for regular maintenance and vegetation harvesting procedures.

(Ord. No. 97-10, § 1(3-12.7(C)(2)), 7-3-1997)

**Sec. 108-782. Same—Wet retention/detention areas.**

Criteria for wet retention/detention areas for new stormwater management systems shall be as follows:

- (1) *Dimensional criteria.* Dimensional criteria, as measured at or from the control elevation, shall be as follows:
  - a. *Depth.* A minimum of 20 percent of the area shallower than six feet is required.
  - b. *Side slopes.* For purposes of public safety, water quality enhancement and maintenance, all wet retention/detention areas should have side slopes no steeper than 4:1 (horizontal:vertical) out to a depth of two feet below the control elevation, or an equivalent substitute. Side slopes should be topsoiled, nurtured or planted from two feet below to one foot above control elevation to promote vegetation growth. Refer to [section 108-518](#) containing the recommended plant material for suitable plant selection.
- (2) *Support facility design criteria.* Perimeter maintenance and operation easements of 20-foot (minimum preferable) width at slopes no steeper than 4:1 (horizontal:vertical) should be provided beyond the control elevation water line. Control elevations must be set so as not to cause flooding in roadways and to protect road subgrades.

(Ord. No. 97-10, § 1(3-12.7(C)(3)), 7-3-1997)

**Sec. 108-783. Same—Impervious areas.**

For new stormwater management systems, runoff shall be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices, and/or subjected to best management practice (BMP) prior to discharge from the project site. In projects which include substantial paved areas, such as shopping centers, large highway intersections with frequently stopped traffic, and high density developments, provisions shall be made for the removal of oil, grease, and sediment from the stormwater prior to discharge into the receiving waters or watercourse.

(Ord. No. 97-10, § 1(3-12.7(C)(4)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

**Sec. 108-784. Same—Stagnant water conditions.**

Configurations which create stagnant water conditions shall not be allowed in new stormwater management systems.

(Ord. No. 97-10, § 1(3-12.7(C)(5)), 7-3-1997)

**Sec. 108-785. Same—Disposition of storm-water runoff.**

The stormwater management system for developments located predominately on excessively drained soils should maximize stormwater infiltration. This shall be accomplished through the use of infiltration or exfiltration facilities, grading to retard runoff, natural or artificial retention or detention basins, or other methods depending on the characteristics of the land area. Specific guidelines are as follows:

- (1) Areas and lots shall be developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces should be diverted into swales or terraces on the lot.
- (2) Street drainage shall be by grassed swales or curb and gutter in accordance with city specifications, provided all curb and gutter systems shall discharge or direct water into a best management practice. Whenever practical, as indicated by soil characteristics, water table elevation, and topography, the overflow from any swale used shall be diverted to percolation areas, ponding areas or natural or artificial seepage basins of sufficient capacity to retain and provide for the maximum infiltration of stormwater runoff from each drainage area for the 25-year, 24-hour storm. Except in those development projects where temporary ponding is allowable pursuant to [section 108-789](#), each percolation or retention area shall include positive drainage facilities which provide for drainage to public outfalls or a lake or watercourse, to handle the runoff from storms of longer duration and severity than the 25-year, 24-hour storm. The area surrounding these retention or detention basins is recommended to be used as public or private open space and shall be grassed.

(Ord. No. 97-10, § 1(3-12.7(C)(6)), 7-3-1997)

**Sec. 108-786. Same—Material specifications for culverts and storm sewers.**

The following pipe materials are acceptable for new stormwater management systems:

- (1) Reinforced concrete pipe; bituminous coated, corrugated steel pipe; aluminum pipe; aluminum pipe arch; bituminous coated structural plate steel pipe; and bituminous coated steel pipe arch are acceptable. PVC pipe shall be acceptable only for installations in a privately maintained system and only if it is comprised of an appropriate wall thickness for the intended use.
- (2) Workmanship and pipe materials shall conform to state department of transportation standard specifications, latest edition.
- (3) Only concrete and aluminum pipes shall be used under public right-of-way pavement and/or into saltwater outfalls. Concrete for reinforced concrete box culverts shall conform to the state department of transportation's standard specifications, latest edition.

(Ord. No. 97-10, § 1(3-12.7(C)(7)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

**Sec. 108-787. Same—Inlets.**

Design and spacing of inlets for new stormwater management systems shall be in accordance with the state department of transportation's standard specifications or the city's standard specifications. These standards shall be prepared by the city engineer and shall be adopted by resolution of the city commission.

(Ord. No. 97-10, § 1(3-12.7(C)(8)), 7-3-1997)

**Sec. 108-788. Same—Drainage structures.**

All cross drains and storm sewers for new stormwater management systems shall have headwalls, flared-end sections, mitered end sections or terminating structures in accordance with the city's standard specifications or the state department of transportation's specifications. End walls, inlets, or other appropriate terminating and intermediate structures and backflow devices may be required where necessary.

(Ord. No. 97-10, § 1(3-12.7(C)(9)), 7-3-1997)

**Sec. 108-789. Same—Control of temporary ponding.**

For new stormwater management systems, temporary ponding is allowable in areas specifically designed with high percolation rates so that ponding does not last more than eight hours. The height of allowable ponding shall not exceed one-quarter of the distance between the ground and the lowest floor.

(Ord. No. 97-10, § 1(3-12.7(C)(10)), 7-3-1997)

**Sec. 108-790. Same—Facilities impacting roads.**

For new stormwater management systems, materials used in drainage facilities which cross, traverse, or encroach major roads as depicted on the city thoroughfare plan shall be designed in accordance with the state department of transportation standards.

(Ord. No. 97-10, § 1(3-12.7(C)(11)), 7-3-1997)

**Sec. 108-791. Same—Water management tracts.**

All stormwater facilities shall be established in dedicated water management tracts, easements, or specified common areas. Condominium documents, deed restrictions, or other legally binding instruments shall describe the location of such areas, shall specifically define the mechanism for preservation and maintenance of any private drainage systems, and shall appoint an entity responsible for maintenance and preservation. All water management tracts shall include a maintenance berm, the top of which may be level or have a slope not steeper than eight feet horizontal to one foot vertical. In addition, such facilities, as well as open channels and ponds, shall have an easement for access to and around the perimeter for maintenance. Retention or detention facilities shall be graded to slopes not steeper than four feet horizontal to one foot vertical above the conservation elevation and shall be graded to slopes not steeper than three feet horizontal to one foot vertical below the conservation elevation. Dry retention slopes and wet retention slopes above the designed low water elevation shall be grassed or otherwise stabilized.

(Ord. No. 97-10, § 1(3-12.7(C)(12)), 7-3-1997)

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

**Sec. 108-792. Same—Watershed areas.**

In watershed areas where the city has an adopted master stormwater management plan, all proposed facilities for new stormwater management systems shall be in conformance with the adopted plan.

(Ord. No. 97-10, § 1(3-12.7(C)(13)), 7-3-1997)

**Sec. 108-793. Same—Impacts on drainage districts.**

Stormwater systems connected to any local, regional, or state drainage district system shall be designed with consideration given to the capacity of the overall system and shall be compatible with the objectives of each respective jurisdiction.

(Ord. No. 97-10, § 1(3-12.7(C)(14)), 7-3-1997)

**Sec. 108-794. General criteria.**

All new surface water management systems shall comply with the following general criteria:

- (1) Rainfall runoff from roads, parking lots, roofs, and other impervious surfaces shall be directed to areas where percolation into the soil can be accomplished prior to introduction into any off-site receiving facilities. Pervious areas on line shall be covered with grass or suitable ground cover which has effective filtering characteristics. Where pervious or grassed areas are not available, runoff from impervious surfaces should be directed into some other kind of stormwater best management practice for pretreatment prior to discharging into a watercourse.
- (2) The stormwater management system shall handle all stormwater that flows into, through and from the project without creating adverse impacts on other lands served by the stormwater management system or by the receiving waters relative to flooding, erosion hazards, or water quality and quantity.
- (3) The applicant will demonstrate that the development project is not in a flood hazard zone. Flood hazard zones are identified under the following procedure:
  - a. A flood hazard zone shall encompass all lands subject to inundation by the regulatory flood, including lands in a critical flood zone or coastal high hazard zone.
  - b. A critical flood zone shall encompass the following:
    1. Lands subject to inundation by a ten-year flood, i.e., the flood that has a ten-percent probability of being equaled or exceeded in any given year.
    2. Wetlands, watercourses and waterbodies.
    3. Floodways. See subsection (3)d of this section.
    4. Isolated topographic depressions with a history of flooding or a high potential for flooding.
  - c. A coastal high hazard zone is defined in [section 108-714](#)
  - d. A floodway shall include the normal channel of a watercourse and adjacent lands that must remain unobstructed to convey the regulatory flood discharge without causing flood elevations to rise along any stretch of the watercourse above a specified permissible increase known as the floodway surcharge. The floodway surcharge shall be established,

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 3. REVIEW CRITERIA

considering both existing and potential development, at a level that avoids an increase in potential flood damage. The floodway surcharge may be increased; however, if an applicant wishes to construct some additional obstruction, flowage easements must first be obtained from the owners of all land that would be affected by increased levels. In no case, however, may a floodway surcharge exceed one foot. The floodway shall normally be calculated assuming equal encroachment on the floodplain from both sides of the watercourse, unless legally enforceable deed restrictions, limiting development rights, are recorded for the lands needed for the floodway.

- e. Flood hazard zones, critical flood zones, coastal high hazard zones, and flood elevation data have been identified through flood hazard studies and delineated on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps (FIRM). A copy of these maps are on file in the city planning office.

(Ord. No. 97-10, § 1(3-12.7(D)), 7-3-1997)

**Secs. 108-795—108-820. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE VIII. - STORMWATER AND SURFACE WATER MANAGEMENT

DIVISION 4. RESERVED

***DIVISION 4. RESERVED*** <sup>[101](#)</sup>

[Secs. 108-821—108-955. Reserved.](#)

**Secs. 108-821—108-955. Reserved.**

---

FOOTNOTE(S):

---

--- (10) ---

**Editor's note**— Sec. 1 of Ord. No. 13-05, adopted Mar. 19, 2013, repealed div. 4, Policy for flood hazard areas, consisting of §§ 108-821—108-927, and deriving from Ord. No. 97-10, adopted July 3, 1997, in its entirety. ([Back](#))

ARTICLE IX. UTILITIES

**ARTICLE IX. UTILITIES**

[Sec. 108-956. Potable water and wastewater.](#)

[Sec. 108-957. Conservation of potable water supply.](#)

[Secs. 108-958—108-985. Reserved.](#)

**Sec. 108-956. Potable water and wastewater.**

All development plans shall include commitments demonstrating ability to comply with the following:

- (1) *Access to potable water.* All applicants for new development prior to issuance of development orders or permits must demonstrate that a source of water supply is available and that all issues surrounding usage of such potable water are being managed and coordinated with the Florida Keys Aqueduct Authority.
- (2) *Access to wastewater disposal systems.* Prior to the issuance of development orders or permits, all applicants for new development must demonstrate compliance with regulations of all federal, state, and local on-site wastewater treatment systems. The location, timing, and scale of development shall be regulated in order to ensure that new development is effectively served by wastewater services. The proliferation of permanent package treatment plants shall be discouraged. System reviews shall be coordinated with the state department of environmental protection in order to promote best management practices and compliance with relevant state permitting procedures. On-site wastewater package treatment plants, including their impacts on water quality, shall be regulated. All new or altered on-site individual wastewater treatment improvements shall be compliant with regulations of federal and state agencies having jurisdiction. Furthermore, no new septic tanks shall be permitted. The city shall not approve any on-site package plant unless the plant complies with all federal and state regulations. Use of on-site wastewater collection systems shall be limited to the following conditions:
  - a. Existing septic tank and package treatment plants may remain in service until such time as centralized service is made available.
  - b. Use of septic tank systems for new development shall be prohibited within the service area of the city system west of the Cow Key Channel Bridge. The potential for water quality problems emerging in the city is increased by the high water table and the likelihood of tile fields beginning to submerge during high tides. Under such conditions the pollutants cannot be absorbed and the pollutants enter the groundwater system and are eventually discharged to the waters surrounding the city.
  - c. Use of package treatment plants shall comply with applicable laws governing the location, use, and design of the facility. Package treatment plants shall be designed in a manner which facilitates integration into the citywide system in the future. Package treatment plants shall be designed to achieve effluent limitations of 20 milligram/liter BOD and 0.5 total suspended solids on an annual average. In addition, NO<sub>3</sub> cannot exceed 12 mg/l on an annual average. All owners of wastewater treatment plants shall provide sufficient on-site certified operator time as determined by the state department of environmental protection, in order to ensure that estuarine and potable water systems are protected from pollution. As a minimum, the following are required:
    1. Surge tanks (flow equalization tanks) are required on all treatment plants with design flows less than 100,000 gallons per day.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE IX. UTILITIES

2. The system for monitoring treatment efficiency shall include a schedule with a minimum frequency increased to one grab sample per week.
  3. A flow measuring device is required which will provide a record of diurnal flow changes as well as total daily flow.
  4. An emergency power source for treatment facilities shall be provided for purposes of preventing interruptions in treatment services.
- d. All development located within areas where central sewer facilities are not currently available shall be required to connect into the central sewer system when the system has been extended within 100 feet of the subject parcel.

(Ord. No. 97-10, § 1(3-10.9), 7-3-1997)

**Cross reference**— Utilities, ch. 74.

**Sec. 108-957. Conservation of potable water supply.**

The city shall assist in regulating development for purposes of complying with policies of the South Florida Water Management District directed toward conservation of potable water supply and to achieve a reduction in the current rates of water consumption. Therefore, development plans shall be required to comply with the following potable water supply performance criteria:

- (1) Where nonpotable alternative sources of irrigation water are available, potable water supplies shall not be used to meet irrigation needs.
- (2) All new development shall be required to use water-saving plumbing fixtures.
- (3) In order to reduce demand for irrigation water, which in turn often places greater demand upon potable water sources, at least 70 percent of all landscaping material obtained from off-site sources for use on any site should be native plant material adapted to soil and climatic conditions existing on the subject site. Further, at least 50 percent of all trees used in landscaping shall be drought tolerant native species adapted to soil and climatic conditions existing on site in order to lessen water demand. Refer to [section 108-518](#) for recommended plant material.
- (4) The city shall require, to the extent lawful, reuse of water, including use of cisterns for collecting rainwater, for use in spray irrigation. In addition, the city may require mandatory hookup to systems distributing reclaimed water within 500 feet of the site.

(Ord. No. 97-10, § 1(3-11.10), 7-3-1997)

**Secs. 108-958—108-985. Reserved.**

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE X. BUILDING PERMIT ALLOCATION SYSTEM

**ARTICLE X. BUILDING PERMIT ALLOCATION SYSTEM** <sup>(11)</sup>

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - BUILDING PERMIT ALLOCATION SYSTEM](#)

---

FOOTNOTE(S):

---

--- (11) ---

**Editor's note**— Section 1 of Ord. No. 09-07, adopted May 5, 2009, amended the title of Art. X, Building Permit Allocation and Vested Rights, to read as herein set out. ([Back](#))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Sec. 108-986. Definitions.](#)

[Sec. 108-987. Purpose and intent.](#)

[Sec. 108-988. Short title.](#)

[Sec. 108-989. Authority.](#)

[Sec. 108-990. Applicability.](#)

[Sec. 108-991. Development not affected by article.](#)

[Sec. 108-992. Exemptions.](#)

[Sec. 108-993. Construction of article.](#)

**Sec. 108-986. Definitions.**

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

*Accessory units and single room occupancies (SROs)* means units that must be deed-restricted as affordable: restricted to occupancy by permanent residents; and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident. An accessory unit or SRO cannot take up more than 40 percent of the principal structure nor can it exceed 600 square feet and the minimum size shall be 300 square feet. SROs by definition shall be restricted to one-room efficiencies. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the planning board. If such variance is approved, the total square footage shall not exceed 600 square feet.

*Administrative official* means the official appointed by the city manager to administer this article.

*Allocation application* means the permanent and/or transient residential building permit allocation application submitted by applicants seeking allocation awards.

*Residential unit* means a permanent or transient unit, apartment, or dwelling unit as defined in the land development regulations, and expressly includes hotel and motel rooms, manufactured homes or mobile homes, transient quarters, accessory units, and single room occupancies.

*Residential unit building permit allocation award* and *allocation award* and *award* mean the approval to a permanent or transient residential unit allocation application and the issuance of a building permit pursuant thereto.

(Code 1986, § 34.1374; Ord. No. 09-07, § 2, 5-5-2009)

**Cross reference**— Definitions generally, § 1-2.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 1. GENERALLY

**Sec. 108-987. Purpose and intent.**

The purpose and intent of the building permit allocation system is to implement the city's comprehensive plan by adopting a residential building permit allocation system limiting annual permanent and transient residential development in the city to:

- (1) Reduce hurricane evacuation clearance times pursuant to the Florida Keys hurricane evacuation model known as the Miller Model.
- (2) Limit the amount of residential development commensurate with the city's ability to maintain a reasonable and safe hurricane evacuation clearance time of no more than 24 hours.
- (3) Regulate the amount of permanent and transient residential building permits in order to prevent further deterioration of public facility service levels, especially the traffic circulation level of service.
- (4) Allocate the limited number of permanent and transient residential units available under this article, based upon the goals, objectives and policies set forth in the city comprehensive plan.
- (5) Limit units allocated to those which generate from the following sources: City of Key West Comprehensive Plan Policy 1.3.12.1; Memorandums of Agreement between the Department of Community Affairs and the City of Key West; Development Agreements; Settlement Agreements; Consent Final Judgments; units recovered by the city which were previously allocated and unused and subsequently returned to the city; units deriving from decreases in existing residential density and changes in residential uses and subsequently returned to the city.

(Code 1986, § 34.1371; Ord. No. 08-04, § 19, 5-20-2008; Ord. No. 09-07, § 3, 5-5-2009)

**Sec. 108-988. Short title.**

This article shall be known and may be cited as the "building permit allocation system ordinance."

(Code 1986, § 34.1372(1); Ord. No. 09-07, § 4, 5-5-2009)

**Sec. 108-989. Authority.**

- (1) The city, pursuant to F.S. ch. 163, part II, and F.A.C. ch. 9J-5, adopted a comprehensive plan as required by state law; and,
- (2) The city, pursuant to F.S. § 163.3202(1), is required to adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

(Code 1986, § 34.1372(2); Ord. No. 09-07, § 5, 5-5-2009)

**Sec. 108-990. Applicability.**

This article shall apply to all property within the city except as expressly exempted in [section 108-991](#). Nothing in this article shall relieve the owner of property from complying with other applicable sections of the city land development regulations for development on the property.

(Code 1986, § 34.1372(3))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 1. GENERALLY

**Sec. 108-991. Development not affected by article.**

Development consistent with the following shall not be affected by the terms of this article, but such development shall comply with all applicable sections of the city's land development regulations:

- (1) Any use, development, project, structure, building, fence, sign or activity which does not result in a net addition to the number of equivalent single-family dwelling unit stock.
- (2) Redevelopment or rehabilitation which replaces but which does not increase the number of permanent or transient residential dwelling units above that existing on the site prior to redevelopment or rehabilitation.
- (3) Units in existence at the time the April 1, 1990 census was prepared are presumed not to be affected by BPAS. The administrative official shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 1990. Units existing in 1990 will be documented through a mandatory site visit by city staff and at least two of the following records:
  - a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 1990;
  - b. Building permits issued prior to April 1, 1990;
  - c. Copies of city directory entries on or about April 1, 1990;
  - d. Site visits which indicate that the age of the structure and associated improvements likely pre-date 1990;
  - e. Rental, occupancy or lease records from before and including April 1, 1990, indicating the number, type and term of the rental or occupancy;
  - f. Copies of state, county, and city licenses on and about April 1, 1990, indicating the number and types of rental units;
  - g. Documentation for Keys Energy Service and Florida Keys Aqueduct Authority indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 1990;
  - h. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 1990 (Green Card); and
  - i. Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. Provision of documents is the responsibility of the applicant. The administrative official's decision shall be rendered to the department of community affairs for a determination of consistency with the principals for guiding development.

Units which are determined not to be affected by the building permit allocation system per this subsection but which have not been previously acknowledged by the administrative official are presumed to be lawfully established per [chapter 122](#), article II, nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. All back fee payments, including impact fee payments, from 1990 onward, as determined by the building department, are made in full.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 1. GENERALLY

Transient units which meet the criteria in this subsection will be licensed by the city.

(Code 1986, § 34.1372(4); Ord. No. 09-07, § 6, 5-5-2009)

**Sec. 108-992. Exemptions.**

Development consistent with the following shall be exempt from the terms of this article, but such development shall be subject to the terms and limitations of applicable exemption sections and shall comply with all applicable sections of the city's land development regulations:

- (1) The holder of an unexpired vested rights order approved by the city.

(Code 1986, § 34.1372(5); Ord. No. 09-07, § 7, 5-5-2009)

**Sec. 108-993. Construction of article.**

This article shall be liberally construed to effectively carry out the intent and purpose in the interest of the public health, safety and welfare.

(Code 1986, § 34.1378; Ord. No. 09-07, § 9, 5-5-2009)

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 108 - PLANNING AND DEVELOPMENT  
 ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM  
 DIVISION 2. BUILDING PERMIT ALLOCATION SYSTEM

***DIVISION 2. BUILDING PERMIT ALLOCATION SYSTEM*** <sup>[12]</sup>

[Sec. 108-994. Established.](#)

[Sec. 108-995. Reporting requirements and adjustments in residential allocation schedule.](#)

[Sec. 108-996. Period of allocation.](#)

[Sec. 108-997. Tracking and monitoring system.](#)

[Sec. 108-998. Procedures for ensuring beneficial use of private property.](#)

[Sec. 108-999. Zoning in progress.](#)

[Secs. 108-1000—108-1125. Reserved.](#)

**Sec. 108-994. Established.**

The city establishes a building permit allocation system in order to limit the number of permits issued for permanent and transient units by structure type and affordability level (as shown on the following table) to those available through the following means:

- (1) Units generating from policy 1-3.12.1 of the comprehensive plan that have not been allocated.
- (2) Legal mechanisms including memorandums of agreement between the department of community affairs and the City of Key West, development agreements, settlement agreements and consent final judgments.
- (3) Units as recovered by the city which were either previously allocated and unused or which derive from units which are determined not be affected by this article per [section 108-991](#)

Residential Structure Type	Equivalent Single-Family Unit Factor <sup>(1)</sup>
Single-family	1.00 <sup>(a)</sup>
Accessory apt./SRO	0.55 <sup>(b)</sup>
Multifamily	1.00 <sup>(c)</sup>
Transient unit	0.58 <sup>(d)</sup>
Total	NA

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 2. BUILDING PERMIT ALLOCATION SYSTEM

- (1) Pursuant to comprehensive plan policy 1-12.3, the equivalent single-family unit factors are based on the ratio of the average number of vehicles per unit based on the 1990 U.S. Census for the respective residential structure types divided by the vehicles per single-family units (i.e., [1.08](#) vehicles per unit). The computations are as follows:
- (a) Single-family:  $1.8/1.8 = 1.00$
  - (b) Accessory apartment or single room occupancy (SRO):  $1.00/1.80 = 0.55$
  - (c) Multifamily:  $1.8/1.8 = 1.00$
  - (d) Transient unit: 0.58 is consistent with the traffic generating assumptions of the county hurricane evacuation model.

(Ord. No. 09-07, § 15, 5-5-2009)

**Editor's note—**

Section 15 of Ord. No. 09-07, renumbered § 108-1056 as [§ 108-994](#), to read as herein set out.  
Former § 108-1056 derived from § 34.1375 of the 1986 Code.

**Sec. 108-995. Reporting requirements and adjustments in residential allocation schedule.**

The administrative official will provide an annual report to the planning board and city commission providing the results of tracking and monitoring requirements and recommendations for any changes in the allocation by structure type or intended use. The annual report shall track all inputs to the system, per [section 108-994](#), as well as allocations to the system by structure and use type.

The table in [section 108-994](#) illustrating the allocation of building permits by structure type shall be subject to evaluation by the city commission annually and the allocation by structure type may be adjusted to accommodate shifts in supply and demand factors; however, under no circumstances will the allocations for affordable housing constitute less than 30 percent of the total ESFU available for allocation since 1990, nor shall the transient unit allocation exceed 25 percent of the ESFU available for allocation since 1990. Because transient allocations have exceeded 25 percent of the total ESFU, no further new transient allocations will be made under this system. Provided, however, that the city shall reserve a minimum number of units for beneficial use claims. A determination of the minimum number of units shall be based upon available data illustrating parcels potentially subject to relief pursuant to [section 108-998](#). Remaining units shall be allocated in accordance with the Comprehensive Plan and Land Development Regulations.

(Ord. No. 09-07, § 17, 5-5-2009; Ord. No. 10-10, § 1, 5-18-2010)

**Editor's note—**

Section 17 of Ord. No. 09-07, renumbered § 108-1058 as [§ 108-995](#), to read as herein set out.  
Former § 108-1058 derived from § 34.1375 of the 1986 Code.

**Sec. 108-996. Period of allocation.**

Allocations other than those granted for beneficial use pursuant to [section 108-998](#) shall be for a one-year period during which time a building permit must be obtained, unless a longer period is approved

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 2. BUILDING PERMIT ALLOCATION SYSTEM

by resolution as part of a development plan, conditional use or development agreement approval. A single one-year renewal of an allocation shall be granted by the administrative official prior to the expiration of the allocation. One extension for a period of 12 months shall be granted by the planning board provided that the applicant makes application prior to the expiration of the allocation and demonstrates reasonable cause for the extension. No further extensions can be granted. Allocation for beneficial use pursuant to [section 108-998](#) shall be for a period of two years during which time a building permit must be obtained. A single two-year extension of a beneficial use allocation shall be granted by the administrative official prior to the expiration of the allocation. Unused units will be returned to the system for reallocation.

(Ord. No. 09-07, § 20, 5-5-2009; Ord. No. 10-10, § 2, 5-18-2010)

**Editor's note—**

Section 20 of Ord. No. 09-07, renumbered § 108-1061 as [§ 108-996](#), to read as herein set out.  
Former § 108-1061 derived from § 34.1375 of the 1986 Code; and Ord. No. 08-04, adopted May 20, 2008.

**Sec. 108-997. Tracking and monitoring system.**

- (a) The administrative official shall develop and maintain a tracking system which indicates the number of single-family equivalent units by structure type and by affordability level allocated since April 1, 1990.

(Ord. No. 09-07, § 21, 5-5-2009)

**Editor's note—**

Section 21 of Ord. No. 09-07, renumbered § 108-1062 as [§ 108-997](#), to read as herein set out.  
Former § 108-1062 derived from § 34.1375 of the 1986 Code.

**Sec. 108-998. Procedures for ensuring beneficial use of private property.**

- (a) It is the policy of the city that neither provisions of the comprehensive plan nor the land development regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of the comprehensive plan. An owner of real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable or viable use of that property unless such deprivation is known to be necessary to prevent a nuisance under state law or in the exercise of the city's police power to protect the health, safety, and welfare of its citizens. All reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by land use case law.
- (b) The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:
- (1) Granting of a permit for development which shall be deducted from the permit allocation system.
  - (2) Granting the use of transfer of development rights (TDRs) consistent with the comprehensive plan.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT  
ARTICLE X. - BUILDING PERMIT ALLOCATION SYSTEM

DIVISION 2. BUILDING PERMIT ALLOCATION SYSTEM

- (3) Purchasing by the city of all or a portion of the lots or parcels upon which all beneficial use is prohibited.
- (4) Such other relief as the city may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a taking of the property under existing state and federal law.

- (c) Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the comprehensive plan and land development regulations unless specifically exempted from such requirements in the final beneficial use determination.

(Code 1986, § 34.1377(4); Ord. No. 09-07, § 32, 5-5-2009)

**Editor's note—**

Section 32 of Ord. No. 09-07, renumbered § 108-1100 as [§ 108-998](#)

**Sec. 108-999. Zoning in progress.**

City staff shall defer the acceptance and processing of applications dated after November 16, 2011 for building permit allocations with exception of requests for beneficial use allocations until new land development regulations are adopted, or until the passage of 365 days, whichever occurs first. This deferment shall be extended retroactively from November 16, 2012, for an additional 365 days or until new land development regulations are adopted, whichever occurs first.

- (a) This deferment may be extended by resolution of the city commission for an additional period of 180 days in order to complete the tasks outlined herein.

(Ord. No. 12-15, § 1, 6-5-2012; Ord. No. 13-01, § 1, 1-8-2013)

**Secs. 108-1000—108-1125. Reserved.**

---

FOOTNOTE(S):

---

--- (12) ---

**Editor's note—** Sections 10—13 of Ord. No. 09-07, adopted May 5, 2009, deleted Div. 2, §§ 108-1026—108-1028, which pertained to the hearing officer, and derived from the 1986 Code, § 34.1376. Section 14 of Ord. No. 09-07 renumbered Div. 3 as Div. 2; and sections 16, 18, 19, and 22—31 deleted §§ 108-1057, 108-1059, 108-1060, Div. 4, and §§ 108-1091—108-1099, respectively. The former sections and division pertained to various provisions pertaining to allocations, adjustments, and vested rights, and derived from the 1986 Code, §§ 34.1375 and 34.1377. ([Back](#))

ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS

**ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS**

[Sec. 108-1126. Definitions.](#)

[Sec. 108-1127. Findings.](#)

[Sec. 108-1128. Purpose and intent.](#)

[Sec. 108-1129. Applicability.](#)

[Sec. 108-1130. Penalty.](#)

[Sec. 108-1131. Description of sending and receiving areas.](#)

[Sec. 108-1132. Concepts.](#)

[Sec. 108-1133. Application.](#)

[Sec. 108-1134. Review of application.](#)

[Sec. 108-1135. Monitoring.](#)

**Sec. 108-1126. Definitions.**

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

*Conservation area* means lands designated as "conservation areas" on the future land use map and in policy 1-2.4.1 of the comprehensive plan pertaining to goals, objectives, and policies. These areas are environmentally sensitive and include the following:

- (1) Outstanding waters of the state;
- (2) Freshwater wetlands;
- (3) Tidal wetlands of the state;
- (4) Mangrove; and
- (5) Upland hammocks.

*Density bonus* means an increase in density of development that can be carried on a parcel of land, over and above the base density permitted by the comprehensive plan for the land use category in which the land is located.

*Development rights.* See [section 108-1132\(b\)](#).

*Parcel* means any lot or parcel or tract of land; combination of lots, parcels or tracts; or any portion of a lot, parcel or tract within the city limits.

*Receiving area* means a parcel on which a development right is used in accordance with this article.

*Sending area* means a parcel on which a development right has been severed in accordance with this article.

*Sever* means the removal or separation of some specified right or use from the bundle of rights possessed by an owner of real property. The term connotes a removal or separation in perpetuity as distinguished from a restriction or limitation which may be overridden, deleted or subject to a time limit.

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS

*Wetland* means any area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances does or would support a prevalence of vegetation typically adapted for life in saturated soil conditions.

(Code 1986, § 34.1381)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 108-1127. Findings.**

The city commission makes the following findings:

- (1) The city, pursuant to F.S. ch. 163, part II, and F.A.C. ch. 9J-5, adopted a comprehensive plan as required by state law;
- (2) The city, pursuant to F.S. § 163.3202(1), is required to adopt land development regulations that are consistent with and implement the adopted comprehensive plan;
- (3) In addition to the mandates and authority under F.S. ch. 163, part II, and F.A.C. ch. 9J-5, the department of community affairs, the state land planning agency (referred to as the "DCA"), brought an action against the city in the state division of administrative hearings (DOAH), Case No. 92-0515GM, pursuant to F.S. § 163.3184(10);
- (4) Pursuant to F.S. § 163.3184(16), the department of community affairs and the city entered into a stipulated settlement agreement which provides remedial action to bring the city comprehensive plan into compliance with F.S. ch. 163, part II; and
- (5) The comprehensive plan has identified the protection of environmentally sensitive areas as a primary goal and has adopted policies to achieve this goal (policies 1-2.1.1 and 1-2.4.1 of the future land use element of the comprehensive plan pertaining to goals, objectives, and policies). These policies provide for the establishment and implementation of a system for transferring development rights as a method of preserving environmentally sensitive areas.

(Code 1986, § 34.1379)

**Sec. 108-1128. Purpose and intent.**

The purpose and intent of this article is to recognize that there are environmentally sensitive lands designated as conservation areas pursuant to the city comprehensive plan which warrant protection in their undeveloped, natural state. Further, it is the purpose and intent of this article to provide an alternative to development of these environmentally sensitive lands by providing a mechanism for owners having legal and/or equitable interest in such lands to seek economic relief from the limitations of development on their lands by encouraging the use of the transfer of development rights concept. The transfer of development rights concept is designed to direct future growth toward specific areas of the city which can accommodate new development in a manner consistent with the city's comprehensive plan and land development regulations.

(Code 1986, § 34-1380(2))

**Sec. 108-1129. Applicability.**

This article shall apply to the city and shall regulate development rights within a specific sending area and receiving area, as defined in this article and as delineated on the city's future land use map.

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS

(Code 1986, § 34-1380(3))

**Sec. 108-1130. Penalty.**

Any person who violates any section of this article shall upon conviction be punished as provided in section 1-15 pursuant to F.S. § 162.21. Such person also shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(Code 1986, § 34.1386)

**Sec. 108-1131. Description of sending and receiving areas.**

(a) *Description of sending area.* For the purposes of this article, the sending area is any environmentally sensitive parcel in the Salt Pond area, which is designated as a "conservation area" on the future land use map (FLUM) and in policy 1-2.4.1 of the comprehensive plan pertaining to goals, objectives, and policies. The future land use map designations that identify parcels in the sending area are as follows:

- (1) C-OW outstanding waters of the state;
- (2) C-FW freshwater wetlands;
- (3) C-TW tidal wetlands of the state; and
- (4) CM mangrove.

(b) *Description of receiving area.* The receiving area is any parcel located within the Key West Bight (Caroline Street Corridor) Redevelopment Area, which is designated as "HRCC-2" on the future land use map.

(Code 1986, § 34.1382)

**Sec. 108-1132. Concepts.**

(a) *Legal concept.* Transfers of development rights (TDRs) are based upon the property law concept that the right to develop real estate is one of the bundle of rights included in fee simple ownership of land. Fee simple ownership of land allows the owner to sell, lease, or trade any one or all of the bundle of rights associated with that property. A bundle of rights includes the right to use, lease, sell, or abandon the property or any of its components of ownership not retained by a previous owner such as mineral, oil, gas, air, and/or development rights. These rights or ownership are subject to the limitation and legislative powers of the local government.

(b) *Development rights.* A development right is a simple extension of the rights normally associated with land ownership. When legally established a development right has value separate from the land itself. It can be subject to reasonable regulation by the local government under the police power. The development right of one property can be transferred, sold or given by the owner to another property. The landowner may sell the development rights and still retain the title to the land; however, the right to use the surface of the land, even on a limited basis, is strictly prohibited.

(c) *Computation of units.* The computation of the transfer of development rights units shall be as follows:

- (1) *Density in sending areas.* Transferred development rights within sending areas are established at a ratio of one dwelling unit per acre.
- (2) *Density in receiving areas.* The base density in receiving areas shall be eight units per gross acre. The density can increase to 12 units per gross acre using the transfer of development

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS

rights process and provided that the owner/developer certifies that a minimum of 40 percent of the residential units shall be constructed and maintained in perpetuity as affordable housing units. Affordable housing shall be occupied only by households meeting the criteria established in F.S. § 420.9071(3). Similarly, affordable housing units shall maintain rents and mortgage structures consistent with the provisions of F.S. § 420.9071(3). Under the transfer of development rights process, the density can be increased to 20 units per gross acre, provided that the owner/developer certifies that 100 percent of the residential units constructed shall be maintained in perpetuity as affordable housing units.

- (3) *Rounding off fractions.* If there is a fractional transferred development right, it shall be converted upward to the next whole number if one-half or more, and converted downward to the nearest whole number if less than one-half.

(Code 1986, § 34.1383)

**Sec. 108-1133. Application.**

- (a) Any owner of land in the sending area may apply for a transfer of development rights either separately or concurrently with a site plan for their use within the receiving area as provided for in this article.
- (b) The applicant for a transfer of development rights shall submit to the planning department the following information and data on an application, the form to be established by the planning department:
  - (1) A transfer of development rights application which includes the name and address of the owner of the property in the sending area and the name and address of the owner of the property in the receiving area.
  - (2) Legal description and survey of the parcel in the sending area from which the transfer of development rights will be severed.
  - (3) Legal description and survey of the parcel in the receiving area which will acquire the transferred development rights.
  - (4) Data supporting the computation of available development rights connected with the proposed sending area.
  - (5) Data supporting the ability of the proposed receiving area to accommodate the proposed transfer of development rights.
  - (6) A conservation easement, in a format acceptable to the city attorney, stating that the parcel in the sending area will be forever retained in its natural condition and will never be developed in any manner whatsoever by anyone. Natural conditions include minor nature-related improvements such as nature paths, elevated boardwalks and outdoor educational learning areas. The easement shall be dedicated to the city or to a trustee approved by the city. The easement shall be approved by the city commission along with the application. The easement shall be recorded with the clerk of the circuit court of the county as a recorded restriction on the use of the subject parcel and shall be binding to all present and subsequent owners, heirs, or assigns of such parcel. Such restrictions may not be amended, deleted or otherwise altered except by an affirmative vote of all members of the city commission.

(Code 1986, § 34.1384(1))

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS

**Sec. 108-1134. Review of application.**

- (a) *Review by administrative official.* The city planner or other city administrative official designated by the city manager shall review the application for transfer of development rights and supporting documentation for completeness and compliance with this article. The city planner's review shall include but is not limited to the following:
- (1) Verify the legal description of all parcels cited within the application, including confirmation of their location within the respective sending or receiving area as defined in the comprehensive plan.
  - (2) Verify the total number of development rights which can be transferred, and verify that the sending parcel has not previously transferred available development rights.
  - (3) Verify that the ratio of affordable housing units proposed to be constructed is consistent with the comprehensive plan.
  - (4) Verify the accuracy of the existing and proposed density on the specified receiving area to determine its ability to accommodate the proposed transferred development rights within the maximum density cap and to determine that it is consistent with the comprehensive plan.
  - (5) Review the application for compliance with the comprehensive plan and the land development regulations.
  - (6) Ensure appropriate legal instruments have been submitted to identify and preserve the required conservation easement.
- (b) *Review by city commission.* If the application is found to be complete and in compliance with the comprehensive plan and this article, the city planner or other designated administrative official shall forward the application with a staff evaluation to the city commission which shall have final authority to approve, approve with conditions or deny the transfer of development rights. If the application is incomplete and/or not in compliance with this article or the comprehensive plan, the city planner shall notify the applicant in writing of the deficiencies. The applicant may then correct the deficiencies and resubmit the application.
- (c) *Recording.* The applicant, upon receiving approval from the city commission, shall record the deed of transfer and the conservation easement with the clerk of circuit court of the county. The deed of transfer shall convey the transferred development rights from the property in the sending area to the property in the receiving area. No sale of any parcel that has been the object of a transfer of development rights shall be deemed legal until such transfer of development rights has approved by the city and a deed of transfer together with the conservation easement have been recorded with the county. The applicant shall be responsible for providing the city with two recorded deeds of transfer as well as the conservation easement. The city clerk and the planning department shall each receive one of the deeds of transfer and the conservation easement, respectively.
- (d) *Site plans.* No development of the specified receiving area shall be approved until a site plan has been submitted by the applicant and approved by the city pursuant to the applicable land development regulations. When a site plan for a property which has received transferred development rights is submitted for review, the applicant shall include a recorded deed of transfer for each of the development rights which have been secured to the property. The planning department shall verify that the sending parcel has not transferred development rights to another parcel on a previous occasion.

(Code 1986, § 34.1384(2))

Subpart B - LAND DEVELOPMENT REGULATIONS  
Chapter 108 - PLANNING AND DEVELOPMENT

ARTICLE XI. TRANSFER OF DEVELOPMENT RIGHTS

**Sec. 108-1135. Monitoring.**

- (a) *Method for tracking transfer of development rights.* The city shall maintain a tracking system to record and monitor the transfer of development rights, which shall be maintained by the planning department.
- (b) *Records.* Each parcel included within a deed transferring development rights shall have an individual record. Each record shall at a minimum include the following information:
- (1) Name and address of the property owner;
  - (2) Address and legal description;
  - (3) Zoning classification and land use designation on the future land use map;
  - (4) Number of development rights transferred to or from the subject parcel;
  - (5) Area of the parcel;
  - (6) Density allowed on the property prior to the transfer of development rights and after approval of the transfer of development rights;
  - (7) Number of affordable housing units linked to the property;
  - (8) Date of city commission approval;
  - (9) Date the deed of transfer and conservation easement were recorded;
  - (10) Date of site plan approval and date of building permit issuance; and
  - (11) Each entry shall include a description of the corresponding property which received or transferred development rights to the subject parcel.
- (c) *Map.* The planning department shall maintain a map indicating the parcels within the sending area that have transferred development rights as well as the parcels within the receiving area that acquired development rights.

(Code 1986, § 34.1385)